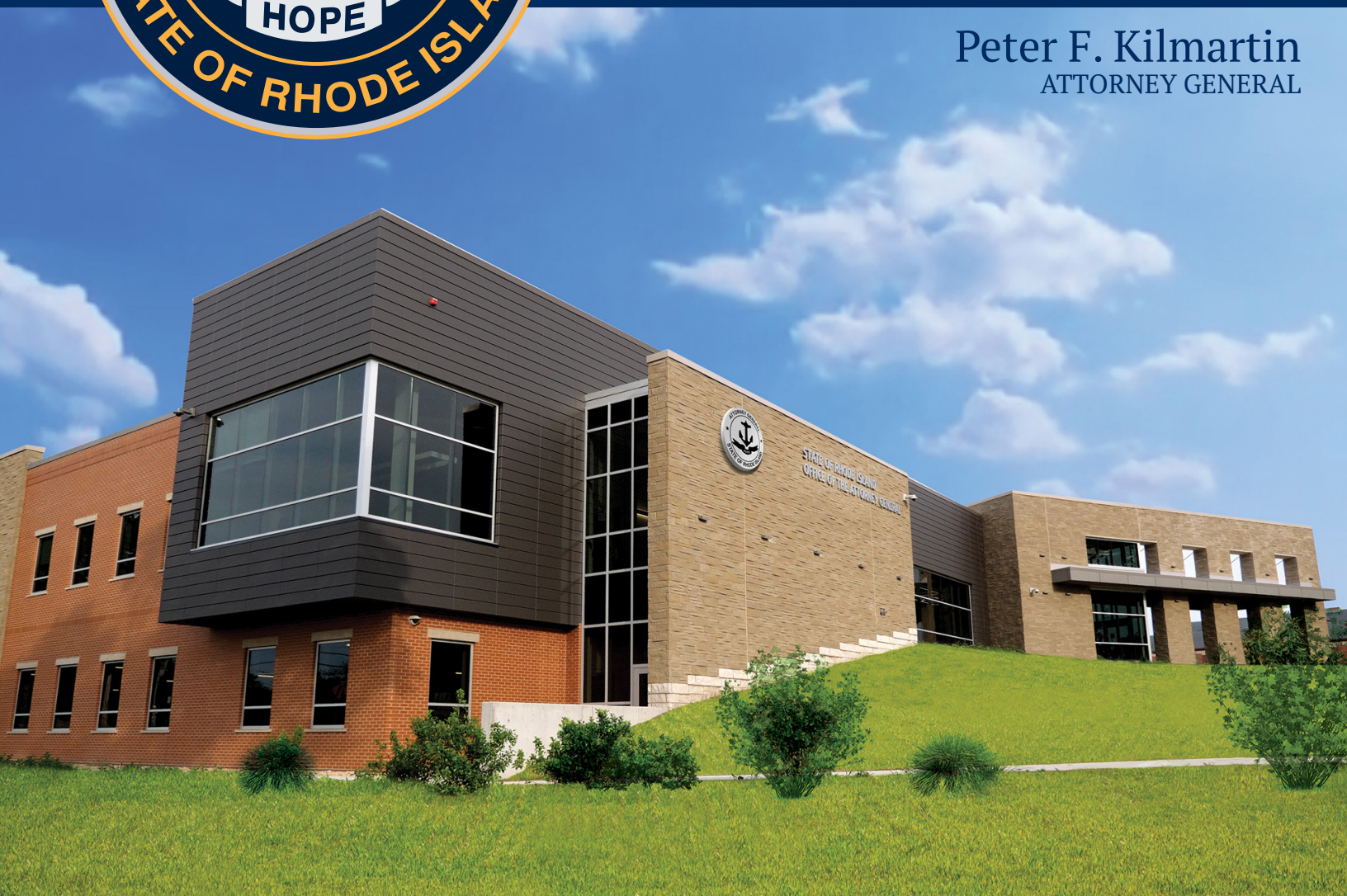




STATE OF RHODE ISLAND
OFFICE OF THE ATTORNEY GENERAL

Peter F. Kilmartin
ATTORNEY GENERAL



2017 Annual Report

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Greetings;

2017 was a year of political unrest and resiliency. With the Trump Administration attempting to rollback or undue almost every policy put in place under the previous administration, the role of state Attorneys General has become more important than ever. Attorneys General have been on the front line of the fight against the turbulent Trump administration's disregard for the rule of law and collectively have served as a check and balance, holding the administration, corporations, and all institutions legally accountable to the people of Rhode Island and the country.

In the past year, we have mounted legal challenges to the various travel bans, opposed the ban on transgender troops in the military, and supported the Deferred Action for Childhood Arrivals program, women's health rights, students, the environment, workers, and consumers.

While our office was very active on national issues, we were equally busy working on behalf of Rhode Island citizens in criminal court, resolving issues for consumers, and defending the State of Rhode Island in civil lawsuits.

Included in this Annual Report is a brief overview of the initiatives and actions the Office of Attorney General and its employees took on behalf of the public. It is a mere fraction of the work the employees do day in and day out, for which they deserve great praise. It is an awesome responsibility and we are fortunate to have such excellent and compassionate individuals fighting on our behalf.

It is my core belief that we can never rest on our accomplishments of the past, but we need to continually strive to do better. In the past year, we have worked diligently to address the continuing opioid crisis, hold government bodies and elected officials accountable to the public, educate our youth on how to make safe choices, provide justice on behalf of victims, and improve how we interact with the public.

It is the dedication, time, and commitment each employee puts into a criminal case, a consumer question, or a civil lawsuit that makes the Office of Attorney General a state agency that the citizens of this great state can and should be very proud of. I know I am.

And, I am grateful for the trust you, the citizens, have placed in me to serve as Attorney General for the State of Rhode Island.

A handwritten signature in cursive script that reads "Peter F. Kilmartin". The ink is dark and the signature is fluid, with a prominent loop at the end of the last name.

Peter F. Kilmartin





TABLE OF CONTENTS

2017 Year in Review	1
History & Major Responsibilities	32
Executive and Administrative Divisions	33
Bureau of Criminal Identification	35
Civil Division	39
Antitrust Unit	40
Charitable Trust Unit	41
Civil Rights Advocate	42
Consumer Protection Unit	42
Environmental Advocacy Unit	43
Health Care Advocate	44
Insurance Advocacy Unit	45
Legal Counsel to the Contractors' Registration & Licensing Board	45
Open Government Unit	46
Public Utilities Regulatory Unit	47
Tobacco Enforcement Unit	47
Criminal Division	49
Adult Diversion Unit	49
Adult Drug Court	50
Appellate Unit	50
Child Abuse Unit	51
District Court Unit (Providence County)	52
Domestic Violence & Sexual Assault Unit	53
Elder Abuse Unit	54
Intake Unit (Providence County)	54
Juvenile Prosecution Unit	55
Kent County Office	56
Medicaid Fraud & Patient Abuse Unit	58
Narcotics & Organized Crime Unit	58
Newport County Office	60
Traffic Safety Resource Prosecutor	60
Victim Services Unit	62
Washington County Office	63
White Collar Crime and Public Corruption Unit	64
Appendix of Civil and Criminal Cases and Investigations	65
Superior Court Case Statistics (2017)	82



2017 YEAR IN REVIEW

Rooting Out Waste and Fraud in our Social Service Programs



Through a partnership with the federal Social Security Administration, the Rhode Island Office of Attorney General provides two full time investigators assigned to the Providence Cooperative Disability Unit (CDI Unit) to identify and prevent fraud in Social Security Disability programs and related federal and state programs.

The objectives of the CDI Unit are to provide the Disability Determination Services, Social Security Administration, and Office of Disability Adjudication and Review with facts and investigative evidence for use in making timely and accurate disability eligibility determinations, to seek criminal and/or civil prosecution of applicants and beneficiaries and to refer cases for civil monetary penalties and administrative sanctions when appropriate, and to identify, investigate, and seek prosecution of beneficiaries, doctors, lawyers, interpreters, and other third parties who facilitate and promote disability fraud.

“Our CDI Unit is making a significant difference in stopping fraud and abuse in the Social Security system before it can occur, saving taxpayer dollars, and improving the integrity of the system to help ensure the long-term viability of the program for those who truly need it,” said Attorney General Kilmartin. “Our partnership with the Social Security Administration is an excellent example of agencies working to provide more efficient and cost-effective benefits to the taxpayers.”

Last year, the Providence CDI Unit opened 41 cases of possible fraud and closed 33 cases. Through aggressive investigations, the Providence CDI Unit saved the State of Rhode Island and the federal government a combined total of approximately \$2.4 million.

Cracking Down on Unemployment Benefit Fraud

The Office of Attorney General staffs a prosecutor devoted exclusively to prosecuting fraud cases referred by the Rhode Island Department of Labor and Training involving unemployment insurance benefits fraud, workers’ compensation fraud, prevailing wage violations, and labor standards violations. During 2017, the Office of Attorney General successfully prosecuted 49 individuals who committed unemployment insurance benefit fraud and secured \$649,218 in court-ordered restitution, of which \$105,526 was paid at the time of disposition.

Fighting Public Corruption with the Right Tools

Continuing his efforts to increase the ability for state prosecutors to effectively prosecute public corruption in Rhode Island, Attorney General Kilmartin submitted to the General Assembly three pieces of legislation that would create and define specific acts of public corruption, increase the statute of limitations on specific public corruption crimes, tackle the issue of “pay to play,” and codify into law a specialized prosecution unit for public corruption.

This is not the first attempt by the Attorney General to strengthen the state's public corruption laws. He has filed each of these bills every year since being elected.

“Political corruption has a corrosive effect on our State. When an elected official is arrested and charged, the public's trust in the political system erodes. Each political scandal further undermines this trust and cynicism flourishes. Rhode Islanders have seen too much and are rightly tired of it,” said Attorney General Kilmartin.

Although the legislation may not have gained traction in the General Assembly, Attorney General Kilmartin continued to build upon his cooperative working relationship with the United States Attorney's Office to jointly prosecute cases with cross-designation of several senior prosecutors. This enhances the prosecution of multi-jurisdictional crime including narcotics, firearms, and human trafficking, as well as public corruption and child pornography.

Cross-designation permits prosecutors to cross over and prosecute cases either in a state or federal court. Targeted cases are jointly reviewed to determine appropriate charges and in which court the greatest penalties are likely to be realized.

Keeping Government Open and Transparent to Citizens



Special Assistant AG Lisa Pinnsonneault and Assistant AG Michael Field provide an explanation of the APRA and OMA at the Open Government Summit.

Rhode Island's Open Meetings Act (OMA) and Access to Public Records Act (APRA) are critical to ensuring that state government operations remain open and accountable to the public.

Maintaining his strong commitment to transparency in government, Attorney General Kilmartin again hosted the annual Open Government Summit to educate officials and the public on the APRA and the OMA. Held in July, the Open Government Summit attracted nearly 500 attendees and was streamed live over the Internet for the sixth year in a row. To encourage additional training, Attorney General Kilmartin has made the materials and video available on

the Office website, accessible 24 hours a day, seven days a week.

“I strongly believe that education concerning the Open Meetings Act and Access to Public Records Act advances the goal that government operations remain open and accountable to the public,” said Attorney General Kilmartin. “To that end, our Open Government Summit is an opportunity for those who work in government – and the general public – to learn how to comply with our open government laws.”

In addition to the Open Government Summit, staff of the Open Government Unit traveled across the state to hold mini-summits upon request by city and town public bodies.

Successfully Defending State's Tobacco Funds

Early in 2017, Attorney General Kilmartin announced a settlement with various tobacco companies over disputes relating to the Master Settlement Agreement (MSA) between the State and tobacco

manufacturers for years 2004 through 2014. The settlement resulted in projected profits to the State of approximately \$10 million for FY 2017, and projected payments of approximately \$40 million to the State's tobacco bondholders in FY 2017. In addition, the bondholders are projected to receive an additional \$20 million over five years. The settlement will also reduce the final redemption date of certain bond series.

The MSA is the document entered into in 1998, when Rhode Island, along with 51 other States and Territories, settled litigation with major tobacco companies. The MSA provides significant public health protections, such as limiting sponsorship of events by tobacco companies and prohibiting tobacco companies from marketing cigarettes to youth. In addition to these public health provisions, the MSA requires the tobacco companies to make payments to the States in perpetuity to offset a portion of the costs of smoking-related diseases incurred by the States. The Attorney General's Office is charged with enforcing certain provisions of the MSA, including the close monitoring of the tobacco companies' annual payment and defending the State over disputes in the enforcement of the MSA.



In 2002, the Rhode Island General Assembly passed the Tobacco Settlement Financing Corporation Act, R.I. Gen. Laws §42-133-1 et seq., which created the Corporation for the express purpose of issuing bonds payable from Rhode Island's future MSA payments. The Corporation issued bonds for upfront tobacco payments totaling \$685 million with the money put in the General Fund. The last tobacco bonds are currently set to mature in 2052, at a cost to the State of approximately \$2 billion in principal, interest, and fees.

"At the time of the settlement with the tobacco companies, the State believed it was in its best interest to issue bonds for future payments to fill a budget hole. It has been left to the Attorney General's Office to vigorously defend the State's enforcement actions to ensure the money would be there to pay back the bonds. Although I am confident we would have continued to defend the State with the same level of success as we have in past disputes with the tobacco companies, this settlement ensures access to monies that rightly belong to the State, allowing us to repay the bondholders as intended and, in certain instances, sooner than anticipated," said Attorney General Kilmartin.

Because the MSA imposed strict regulations on those tobacco companies which had signed the agreement, the MSA contains a number of provisions ensuring that states guard against non-participating manufacturers from gaining an unfair competitive advantage over those companies which had signed the document.

Among those provisions, there are certain adjustments which may be made to the tobacco companies' annual payment to each state if a State is found by an arbitration panel to be "non-diligent" for purposes of enforcing certain provisions of the Tobacco Product Manufacturers' Escrow Funds Statute (R.I. Gen. Laws § 23-71-1 et seq.) relating to those tobacco companies that are not signatories to the MSA. Such disputes are challenged by year of the particular adjustment, called the non-participating manufacturer adjustment ("NPM Adjustment"). Half of the original State signatories to the MSA have already settled such disputes.

During the arbitration concerning the 2003 NPM Adjustment, the State spent close to half a million dollars and over one and a half years defending its diligence in enforcing the agreement. Ultimately, the tobacco companies chose not to contest Rhode Island's diligence, and Rhode Island did not have to have a state-specific hearing before an arbitration panel. Prior to this settlement, the Attorney General's Office was preparing for the 2004 NPM Adjustment arbitration, and had already spent hundreds of thousands of dollars within just a few months.

If the State continued with these arbitrations year by year and was found non-diligent in any given year, the State would be at risk of losing its entire scheduled annual MSA payment for any given year, which is tens of millions of dollars. If there is no MSA payment, there is no payment to the bondholders, creating the prospect that the State would have to raise those funds from another source. For the NPM Adjustment for Years 2004 through 2014, the settlement eliminates this risk.

Successfully Defending the State and State Agencies

One of the primary roles of the Office of Attorney General is to serve as legal counsel for the State and state agencies. Simply put, the Attorney General represents the State when a civil complaint or lawsuit is filed naming the State or a state agency as a defendant. Last year, the Office of Attorney General opened 979 new matters and closed 1133 files in actions taken by individuals, the federal government, and organizations involving the State.

Resolving a three-year long case involving the U.S. Department of Justice (DOJ) and the Rhode Island Department of Corrections (DOC), Attorney General Kilmartin announced a settlement in principle in September. The DOJ filed a lawsuit in 2014 against the State and DOC alleging unintentional discrimination due to the DOC entrance exams having an adverse impact on African-American and Hispanic entry-level correctional officer candidates. The DOJ sought injunctive relief and damages that included job offers and monetary relief for African Americans and Hispanics who did not pass the entrance exams for the years 2000 to 2013.

Attorney General's Office litigated this case and engaged in mediation with the DOJ, overseen by U.S. District Court Magistrate Judge Lincoln Almond, where the parties reached the settlement agreement.

Attorney General Kilmartin said, "We believe that this settlement agreement is a fair resolution to this case and is in the best interest of the state financially. It protects the State's interest in hiring qualified candidates for the position of correctional officer, and it resolves a significant legal and financial issue for the State and allows the Department of Corrections to move forward with confidence in its hiring process."

The Civil Division also finalized a settlement in principle with Children's Rights, resolving a decade-long civil action that alleged deficiencies at the Rhode Island Department of Children, Youth & Families (DCYF).

The lawsuit, filed on June 28, 2007, on behalf of a putative class of all children in the legal custody of DCYF due to a report or suspicion of abuse or neglect, alleged violations of plaintiffs' constitutional rights to substantive due process and familial association and their alleged statutory rights to adequate case plans and foster care maintenance payments.

The lawsuit alleged systemic deficiencies including excessive caseloads to its caseworkers,

failure to timely and appropriately license and oversee foster care placements, failure to timely and adequately investigate abuse and neglect, failure to maintain an adequate placement array to meet the needs of all children in care, failure to provide timely and adequate case plans, and failure to provide adequate foster care maintenance payments to foster parents.

Under the terms of the settlement, DCYF will implement significant reforms in case management, child placement, and child protective services involving the investigation of abuse and neglect, establish performance metrics to measure targets and compliance, and establish a reporting structure to the Office of the Child Advocate.

“This settlement is the result of years of many individuals working towards the goal of establishing a child welfare system that puts the well-being and safety of the child first and foremost and creating measurable targets to ensure DCYF is doing all it can in the best interest of the children and families it serves,” said Attorney General Kilmartin. “The agreement will serve as a roadmap for the improvement of DCYF and its care of children, and unlike other child welfare settlements that have required a special master, provides the administration flexibility in implementing the agreed upon changes, while providing measurable benchmarks to track DCYF’s progress.”

This case was first brought by then-Child Advocate Jametta Alston and Children’s Rights, Inc. Plaintiffs alleged systemic deficiencies in Rhode Island’s child welfare system and raised constitutional and alleged statutory claims on behalf of themselves and a putative class. The parties have extensively litigated this case including intensive fact and expert discovery, a 16-day trial, and two ventures to the First Circuit. On remand from the second appeal, the case was reassigned to Chief Judge William Smith.

At time of publication, the settlement is before the U.S. District Court for approval and a fairness hearing.

Strengthening DUI Laws

For the seventh year in a row, Attorney General Kilmartin filed legislation that would increase penalties for those who are convicted of killing or injuring individuals while driving under the influence of alcohol or drugs. In addition, Attorney General Kilmartin filed legislation that would extend the so-called “look back” period on repeat alcohol-related offenses from five years to 10 years.



Attorney General Kilmartin, AAA and law enforcement team up to end impaired driving.

“Every individual who gets behind the wheel of a motor vehicle while intoxicated is knowingly risking their own life and the lives of others on the roads. The penalties for such a deadly and callous decision should reflect the seriousness of the act, and there can be nothing more serious than taking the life of another,” said Attorney General Kilmartin.

Attorney General Kilmartin has long advocated for these measures, and has filed these bills each year since he took office in 2011. The legislation has received the support of the Rhode Island Department of Transportation, the Traffic Safety Coalition, the Rhode Island Police Chiefs’ Association,

and Mothers Against Drunk Driving.

One piece of legislation filed on behalf of Attorney General Kilmartin would increase the penalty range for DUI death resulting or serious bodily injury. Under the legislation, a conviction under DUI death resulting would increase from a maximum imprisonment of 15 years to a maximum imprisonment of 30 years, a maximum fine of \$20,000, and license revocation for up to 10 years. A conviction of DUI resulting in serious bodily injury would increase from a maximum penalty of 10 years to a maximum imprisonment of 20 years, a fine of up to \$10,000, and license revocation for up to five years.

The legislation would also increase the imprisonment sanctions for driving to endanger resulting in death from up to 10 years to up to 20 years, and those in violation of driving as to endanger serious bodily injury would face increased penalties from up to five years to up to 10 years.

A second piece of legislation would create the criminal offense of driving under the influence resulting in injury. This act would address the situation where injury results from driving under the influence, but does not meet the standard of “serious bodily injury.” Those in violation would be guilty of a felony and subject to imprisonment for not more than three years and have his or her license to operate a motor vehicle suspended for not more than one year.

A third piece of legislation would increase the “look back” period on third and subsequent alcohol-related offenses to 10 years. Currently, it is only five years.

While the General Assembly failed to approve the measures, Attorney General Kilmartin refiled the legislation in the 2018 session.

ATTORNEY GENERAL KILMARTIN & AAA LAUNCH HOLIDAY IMPAIRED DRIVING CAMPAIGN

Attorney General Kilmartin and AAA Northeast teamed up during the holiday season as part of National Impaired Driving Prevention Month to raise awareness about the dangers of impaired driving and to offer solutions to help reduce impaired driving on our roadways.

The campaign utilized the social media channels of Attorney General Kilmartin and AAA Northeast, and encouraged law enforcement and other highway safety organizations to participate and engage their social media followers in a conversation about the dangers of impaired driving, remind the public on how to report suspected impaired drivers, and to offer alternatives to driving impaired.

The campaign also asked motorists to sign the AAA pledge to never drive impaired.

Enforcement of DUI laws is a critical component to ending impaired driving and keeping Rhode Island roadways safe, yet despite increased enforcement - especially during times traditionally known for increased impaired drivers - the number of motor vehicle fatalities in Rhode Island increased after almost a decade of decline.

“We all have the power to end the impaired driving on our roadways. By choosing to not drive impaired, reporting suspected impaired drivers, or offering a ride to a friend or a family member who is impaired, we can save lives,” said Attorney General Kilmartin.

Protecting Individuals from Online Predators

#RevengePorn

Despite being vetoed by the Governor in 2016 after near unanimous approval in the General Assembly, Attorney General Kilmartin again moved forward in filing legislation that would prohibit the posting of “revenge porn” (media shared without the consent of the individual in the images) and create criminal penalties for those who engage in “sextortion.”

Revenge porn is sexually explicit media that is publicly shared online without the consent of the pictured individual, typically posted by former lovers or hackers for the purpose of humiliation and exploitation. The images or videos are often accompanied by personal information, including the pictured individual’s full name and links to their social media profiles.

The measure easily passed the House of Representatives but the Senate failed to take up the measure before adjourning for the year.

“It is disappointing that Rhode Island continues to be an outlier in failing to have a strong revenge porn law on our books and women continue to be preyed upon by former intimate partners,” said Attorney General Kilmartin.

The legislation also created criminal penalties for those who engage in “sextortion,” a relatively new and very disturbing cybercrime that occurs when offenders use personal images – often stolen or obtained by hacking – to force victims to engage in sending more sexually explicit photos or videos under threat the images will be made public. In addition, victims are often extorted into paying money or providing personal identifying information for the images not to be posted or revealed to others.

According to a study by the Brookings Institute, 71 percent of sextortion cases involve victims under the age of 18, and that while nearly all adult victims are female, both minor girls and boys are targeted.

Backpage.com Bows to Pressure by Attorneys General

After years of pressure by Attorney General Kilmartin and other attorneys general from across the nation, the web-based publisher Backpage.com agreed to shutter online ads that promoted child sex trafficking.

For years, Attorney General Kilmartin called for the website to be shut down and urged the United States Congress to amend the federal Communications Decency Act, which Backpage.com used to hide behind while continuing its criminal activities, to provide criminal jurisdiction to state and local prosecutors.

“There is no question that Backpage.com knew that its site was being used for the explicit purposes of child sex trafficking and profited from its actions at the expense of countless victims. I would argue that Backpage.com made it easy for traffickers to engage in the illegal activity. We have prosecuted a number of individuals for sex trafficking and the one commonality among those cases was the use of Backpage.com by the traffickers. The news that the site will no longer allow for such ads is welcome, but it brings no source of comfort for those young people who

AG KILMARTIN ASKS CONGRESS TO AMEND SEX TRAFFICKING LAW

Attorney General Kilmartin renewed his request to Congress to amend the federal Communications Decency Act (CDA) to allow states the explicit authority to investigate and prosecute facilitators of child sex trafficking wherever they operate, including online.

In a bi-partisan coalition, Attorney General Kilmartin was joined by 49 other state and territorial attorneys general in a letter to Congress asking representatives to amend the federal CDA to clarify that states, localities and territories retain authority to investigate and prosecute facilitators of child sex trafficking. The simple addition of the word “all” to the CDA will help to ensure that citizens and children are effectively protected throughout the entire country, in all courts.

The need for the clarification of the CDA is based on recent decisions by several federal courts, who have broadly interpreted the Act, severely limiting the ability of states to take action against online classified ad services, which have constructed their business models around advertising income gained from participants in the sex trade, specifically child sex trafficking.

“Our hands are tied when it comes to effectively going after those who facilitate sex trafficking of minors because of the CDA,” said Attorney General Kilmartin. “It is ironic that those who financially gain from online child sex trafficking are protected by the very Act that was intended to protect children from indecent material online. We need Congress to amend the CDA to allow states to individually – and collectively – shut down these sites once and for good.”

were victimized by the company’s greed,” said Attorney General Kilmartin.

Fighting Opioid Abuse and Addiction

As the State continued to struggle with the opioid and fentanyl crisis, Attorney General Kilmartin launched several initiatives to help those struggling with addiction and to target those who traffic the deadly drugs.

In response to new forms of opiates hitting the streets in Rhode Island, Attorney General Kilmartin called on the Rhode Island Department of Health to add certain chemical analogs to the Uniformed Controlled Substances Act.

In investigations of illegal drug use and sales, law enforcement came across new forms of opiates in the hands of drug traffickers and those suffering from substance use disorders. Those substances are fentanyl analogs and synthetic opioids and are much stronger than their counterparts and lead to a much greater chance of overdose and are less responsive to overdose reversal treatments.

While the Department of Health agreed to add the analogs to the Controlled Substances Act List of Scheduled Drugs, Attorney General Kilmartin also sought passage of a law adding the chemicals statutorily to the List as well. The legislation passed and became law in June 2017.

“As we saw with manufacturers of bath salts a few years ago, manufacturers of fentanyl analogs and synthetic opioids tweak the molecular structure of the drug to evade the list of controlled substances and avoid prosecution,” said Attorney General Kilmartin. “This act takes the same approach that we did with bath salts;

add all known chemical compounds to the list of controlled substances, allowing law enforcement to stay one step ahead of the drug manufacturers and traffickers.”

Going After “Pill Mills” and Pill Doctors

Recognizing the need for law enforcement to have increased access to the State’s electronic prescription database in order to effectively investigate and prosecute “pill mills” and doctors who make a living from overprescribing opioids, legislation filed at the request of Attorney General Kilmartin was signed into law giving specific public safety agencies restricted access to the state’s Prescription Drug Monitoring Program (PDMP).

Under the new law, a certified prescription drug diversion investigator of specific public safety agencies will have restricted access to the PDMP database. Those who would gain access to information from the Department of Health are limited to investigators of the Food & Drug Administration, the Drug Enforcement Administration, the Federal Bureau of Investigation, Office of Health and Human Services Office of Inspector General, and the Attorney General’s Medicaid Fraud Unit.

“We know that drug diversion exists and is contributing to the opioid crisis the State continues to endure. Giving restricted access to the database will allow appropriate public safety agencies to more effectively investigate criminal prescription drug prescribing and illegal prescription drug diversion, and ultimately help save lives,” said Attorney General Kilmartin.

RIAG LEADS “OVERDOSE DEATH INVESTIGATION AND PROSECUTION” TRAINING

Attorney General Kilmartin, in partnership with the National Attorneys General Training and Research Institute (NAGTRI), hosted a day-long training for police and prosecutors on how to best build a strong investigation and successful prosecution of death cases resulting from overdoses of heroin and fentanyl.

“Our office is among a very small minority of prosecution agencies across the country that has successfully prosecuted an individual for murder for selling pure fentanyl that killed a young woman. With growing interest from other prosecution agencies and law enforcement agencies on how police and prosecutors built our case, we partnered with NAGTRI to develop this training. It is an opportunity for police and prosecutors to train alongside one another to develop strategies on how to best approach these cases, and will help other jurisdictions bring forth cases against individuals who traffic in these deadly drugs,” said Attorney General Kilmartin, who also serves as the NAGTRI Training Committee co-chair.

Topics covered included gaining a better understanding about the various tactics and components of an overdose death investigation; the issues related to search and seizure laws, witness interviews, custodial interrogations, legal theories and various state laws in overdose death investigation; role of different agency partners including the Medical Examiner’s Office; and best practices for coordinating the sharing of information between agencies.

Investigation into Opioid Manufacturers and Distributors

Attorney General Kilmartin announced in September that a bipartisan coalition of attorneys general was actively investigating manufacturers and distributors of prescription opioids as part of multistate investigations into the nationwide opioid epidemic. Specifically, attorneys general sought documents and information from manufacturers and distributors to evaluate whether manufacturers and distributors engaged in unlawful practices in the marketing, sale, and distribution of opioids.

“We know all too well the devastation and loss from the opioid abuse, addiction, and overdose crisis in this country. It tears families apart and results all too often in death. This epidemic did not start in a vacuum, and we must look at every aspect of the supply chain – starting with the manufacturers and distributors - to determine how we got here in order to effectively solve the epidemic,” said Attorney General Kilmartin. “We need to know if and to what level the manufacturers and distributors are responsible for this epidemic and the needless loss of life.”

The announcement represented a dramatic expansion and coordination of the investigations by the attorneys general into the nationwide opioid epidemic. A clear majority of the states’ chief legal officers are now pooling resources and coordinating across party lines to address the most pressing public health crisis affecting our country, and doing so with a broad focus on multiple entities at both the manufacturer and distributor levels.

Attorney General Kilmartin serves on the executive committee of the multistate investigations, which are organized into subgroups focusing on manufacturers and distributors. Rhode Island is taking a leadership role in the subgroup focusing on opioid distributors and is also participating with respect to the investigation of manufacturers.

“Rhode Island has been in the eye of the storm since this crisis began, which is why I believe it is important for this office to take a leadership role into these investigations,” said Attorney General Kilmartin. “We will pursue every bit of information and scrap of evidence, and if we find any violations of law or culpability by the manufacturers and distributors, we will bring all our resources to bear to hold these companies accountable for their role in this deadly epidemic.”



Assistant AG and Chief of the Criminal Division Stacey Veroni speaks at a press conference with Providence Police to announce the arrest of multiple drug traffickers in Providence.

Expanding Substance Use and Mental Health Insurance Coverage

In another move, Attorney General Kilmartin pushed to require insurance companies to cover at least 90 days of residential or inpatient services for mental health and/or substance abuse disorders.

“I believe that we are overlooking essential pieces to this complex problem, which includes appropriate substance use education and necessary treatment for those suffering from substance abuse disorders,” said Attorney General Kilmartin.

Rhode Island, on some level, has recognized mental health and substance abuse disorder parity since 1994. However, Attorney General Kilmartin believes the state needs to make sure that parity is justly acknowledged by insurance providers. It is well known in this state, and across the country, that one of the biggest barriers to recovery is access to necessary treatment. In fact, many have suffered relapses, because they were released from inpatient treatment far earlier than they were ready for. This is most disturbing for those suffering from heroin and prescription opioid abuse disorders as this is when they are most vulnerable to overdose.

“For those individuals in the criminal justice system, the Court can order the person into treatment, thus forcing the insurance company to cover such treatment. But this begs the question: what happens to those individuals who are not part of the criminal justice system? Who fights for them to make sure their treatment is covered? Why are two segments of our population being treated disproportionately when suffering from the same disease,” said Attorney General Kilmartin.

Amended legislation passed the House, but was held for further study in the Senate. Attorney General Kilmartin reintroduced the legislation for consideration in the 2018 General Assembly session.

Fighting Medicaid Fraud

With Medicaid accounting for one of the largest chunks of the state budget, Attorney General Kilmartin urged the U.S. government to change its current policy prohibiting the federal government from returning prescription drug settlement money to the individual states.

At issue is a prescription drug benefit, known as Medicare Part D, for individuals covered by both the Medicare and Medicaid programs. This benefit has been paid for by the federal government and the states. Over the last 10 years, the federal government has recovered tens of millions of dollars in pharmaceutical fraud settlements involving Part D drugs; however, the states have never received any share of the money.

Attorney General Kilmartin said, “As the cost of prescription drug care continues to increase, we must do everything in our power to contain costs. The states have contributed some \$80 billion through 2016 to fund prescription drug coverage for individuals covered by both Medicaid and Medicare. While I applaud the progress of the Department of Justice in aggressively uncovering abuses in the pharmaceutical industry, I believe that states are entitled to their fair share of Part D settlement money, and support a legislative action to make this occur.”

Attorney General Kilmartin also advocated the federal government to change its policy giving Medicaid Fraud and Control Units (MFCU) greater authority to investigate and prosecute Medicaid abuse and neglect cases, specifically those that happen at home and non-Medicaid funded residential facilities.

Medicaid is a joint federal-state program that provides free or low-cost medical benefits to millions of Americans. In Rhode Island, there were approximately 311,640 Medicaid beneficiaries as of March 2017, according to the Executive Office of Health and Human Services. Of those, approximately 20,100 are age 65 or older. According to the Centers for Disease Control and Prevention, one in 10 persons age 65 or older who live at home will become a victim of abuse.

Currently, MFCUs are restricted to investigating and prosecuting state Medicaid provider fraud and resident abuse complaints in Medicaid-funded health care facilities. Medicaid regulations currently prohibit MFCUs from investigating and prosecuting abuse and neglect in private homes or non-Medicaid funded residential facilities.

In a letter to Tom Price, Secretary of the U.S. Department of Health & Human Services (HHS), the federal agency that is responsible for the Medicaid program, Attorney General Kilmartin requested HHS allow MFCU federal funds to be used to investigate and prosecute abuse and neglect of Medicaid beneficiaries in non-institutional settings (i.e. home health care), and to allow use of MFCU federal funds to freely screen or review any and all complaints or reports of whatever type, in whatever setting.

Attorney General Kilmartin said, “As a policy, states recognize the cost savings and health benefits of patients of shifting from institutionalized-based care to home health care. The shift to home health care, however, has contributed to improper payments and significant fraud, and places vulnerable beneficiaries at risk for abuse and neglect.”

In addition to seeking expanded authority for the state’s MFCU to investigate and prosecute abuse and neglect, Attorney General Kilmartin continues to advocate for national background checks for those who perform home health care services to Medicaid beneficiaries.

“For patient safety, especially due to the vulnerability of our seniors, workers in this field need to be subject to a national background check, training and regulation. As more patients return to home, we need to ensure the most vulnerable are being treated by professional workers to protect them from victimization and exploitation,” said Attorney General Kilmartin.

Kilmartin’s legislation requires all personal care attendants to be subject to a national background check as a condition of certification and employment. It also allows for the biannual renewal of registrations, which would be granted as a matter of course with proof of completion of continuing education unless the Department of Health (HEALTH) finds that the registrant has acted or failed to act in a manner that would constitute grounds for suspension or revocation of a certificate.

“This is a safety issue for our most vulnerable citizens. Although personal care attendants do not provide medical services, they provide assistance with physical activities, such as grooming and bathing, and financial activities, such as paying bills and shopping, as well as companionship for their clients. I strongly believe it is necessary, due to the intimate physical tasks required of personal care attendants, that they be required to receive a national criminal records check and basic training, as well as individualized training to suit the needs of their client,” said Attorney General Kilmartin.

In July 2017, Attorney General Kilmartin announced that six individuals were arrested as part of a joint state and federal crackdown on Medicaid fraud.

It is alleged that February 2016 through March 2017, six individuals conspired to steal the identities of former employees for the purposes of submitting falsified time sheets and diverting the fraudulent pay to several bank accounts linked to the defendants. It is estimated the defendants fraudulently stole approximately \$130,000 from the scheme.

“Medicaid fraud is not a victimless crime. Every dollar illegally diverted from the program means less money for programs and services for the patients who rely upon them,” said Attorney

General Kilmartin, who announced the arrests as part of the nationwide crackdown announced by HHS and the U.S. Department of Justice. “We know that Medicaid fraud and abuse is more widespread than just what was uncovered through this investigation. I remain committed to working with our federal and state partners to develop more cases of suspected fraud.”

Another role of the MFCU is to ensure companies providing services and prescription drugs through the Medicaid program are doing so in compliance with state and federal laws, rules, and regulations. In August, Attorney General Kilmartin announced that Rhode Island agreed to join the United States and other states to settle allegations against Mylan Inc. and its wholly-owned subsidiary, Mylan Specialty L.P. (collectively “Mylan”) to resolve allegations that Mylan knowingly underpaid rebates owed to the Medicaid program for the drugs EpiPen® and EpiPen Jr.® (“EpiPen”) dispensed to Medicaid beneficiaries.

Mylan paid \$465 million to the federal government and states. As part of the settlement, Rhode Island’s Medicaid program received approximately \$1.5 million in restitution and other recovery.

Addressing Gun Violence

In 2017, Attorney General Kilmartin filed several pieces of legislation addressing gun violence. One bill would amend the “possession of firearms by minors” section of R.I. Gen. Laws §11-47-33. Currently, for a minor to be charged with illegal possession of a firearm, they must possess and use the firearm. This amendment would criminalize mere possession of a firearm, subject to exemptions.

A second piece of legislation filed by Attorney General Kilmartin would include orange

SETTLEMENT WITH CELGENE FOR MARKETING SCHEMES AND ILLEGAL KICKBACKS

Attorney General Kilmartin announced that Rhode Island joined with other states and the federal government to settle allegations that Celgene Corporation (Celgene) engaged in a variety of marketing schemes to promote the use of its drugs Thalomid® and Revlimid® for off-label use and by paying kickbacks to providers in order to induce them to prescribe those drugs.

Celgene paid the states and the federal government \$280 million dollars, of which \$20,730,360 went to Medicaid programs to resolve civil allegations that the company unlawfully marketed Thalomid® and Revlimid® through its off-label promotion and payment of kickbacks to prescribers, and thereby caused false claims to be submitted to the government health care programs. Rhode Island’s Medicaid program received just over \$102,000 from the settlement.

“Celgene schemed, lied, and paid millions in kickbacks in order to make profits at the expense of states’ Medicaid budgets,” said Attorney General Kilmartin. “Time and time again, big Pharma ignores state and federal regulations and statutes because it is determined that the rewards in the form of profits outweigh the cost of getting caught. That type of corporate malfeasance cannot and will not be tolerated when the cost of healthcare, particularly the cost of medications, continues to increase.”

or otherwise brightly colored plugs or tips that are inserted into or removed from the barrel of any firearm into the definition of “mark of identification” for the prohibition of changing, altering, removing, or obliterating any mark of identification on a firearm or the knowing possession of such a firearm absent recertification paperwork.

“Many of today’s toy guns are made to look exactly like real firearms. If the orange tip is altered or removed, it is often extremely difficult, if not impossible, to distinguish the difference between the two. When law enforcement comes upon an individual, a child, with what appears to be a real firearm, it could lead to a tragic and deadly situation; one which could more easily be avoided with this legislation,” said Attorney General Kilmartin.

To get guns out of the hands of domestic abusers and to bring Rhode Island into compliance with federal firearm laws, Attorney General Kilmartin filed legislation that would impose a lifetime ban on possession of firearms for individuals convicted of domestic violence.

Federal law provides that any person who is convicted of a domestic violence offense may not purchase a firearm, but the Rhode Island statute in its current form does not address convictions of domestic violence misdemeanors for the purposes of purchasing, owning, carrying, transporting or possessing.

“Domestic violence often escalates in severity and having a firearm in the home in which abuse occurs increases the likelihood that domestic violence victims will be killed by their abuser. Moreover, abusers use firearms as a tool to control and intimidate their victims,” said Attorney General Kilmartin. “The goal of the legislation is to protect victims of domestic violence and bring Rhode Island into compliance with federal law, while not infringing on the rights of law-abiding gun owners.”

According to a survey conducted by the National Coalition Against Domestic Violence, 10 percent of abusers have fired a gun during an argument. And, according to an article published in the American Journal of Public Health, having a gun in the home increases the risk of domestic violence homicide by at least 500 percent, and in households with a history of domestic violence, the risk increased 2000 percent.

Although the General Assembly did not take action on the bill filed at the request of Attorney General Kilmartin, it did pass the Protect Rhode Island Families Act, which prohibits gun possession by domestic abusers convicted of misdemeanor domestic violence crimes and those subject to court-issued final protective orders, and ensures that all those subject to the prohibition actually turn in their guns when they become prohibited from possessing them.



Assistant AG Joe Lindbeck testifies before the Rhode Island State Senate Judiciary Committee in support of several gun safety measures.

Opposing the Concealed Carry Reciprocity Act of 2017

In October, Attorney General Kilmartin joined a coalition of 17 attorneys general in forcefully opposing the federal Concealed Carry Reciprocity Act of 2017, arguing that the ill-conceived legislation would override local public safety decisions and endanger communities and police by forcing states to recognize concealed carry weapon permits from other states.

“The Concealed Carry Reciprocity Act is a grave overreach by the federal government by dictating that states must allow individuals with concealed carry permits from other states – states with far less restrictions on concealed carry permits – to roam freely within our borders without any knowledge, review or oversight,” said Attorney General Kilmartin. “The process by which someone is granted a concealed carry permit is best left up to the states to determine, in accordance with how policy leaders decide is best to protect individual rights and the community as a whole.”

Under the federal legislation, Rhode Island residents would lose the protections that their legislators and law enforcement agencies have deemed appropriate, in favor of rules made by states legislating for very different local conditions. Rather than creating a new national standard for who may carry concealed firearms, the Act would elevate the lowest state standard over higher ones and force some states to allow concealed carry by people who do not qualify under their laws. That lowest state standard would, for example, weaken local prohibitions on concealed carry by violent misdemeanor offenders, domestic abuses, and others who states have determined would pose a danger.

Protecting, Educating and Advocating for Rhode Island Consumers

Continuing his commitment to helping Rhode Island residents protect against identity theft, Attorney General Kilmartin teamed up with Infoshred to host several free shredding events across the state.

Every year, scores of Americans have their identities stolen, with the U.S. Department of Justice estimating that approximately 16.6 million people nationwide experience identity theft annually. While data breaches at major retailers make headlines, many scam artists use much more low-tech methods to gain access to your personal information – like digging through your trash.



Consumer Protection Unit staff participate in the free Shred-a-Thons across the State.

One of the easiest ways to prevent identity theft is by shredding documents that contain personal information, such as bank statements, investment statements, bills and credit card offers.

“Like a lot of folks, I toss bills, statements, and other sensitive documents I no longer need in a box next to my desk until they can be safely shredded. It’s a great habit that more and more Rhode Island consumers are picking up,” said Attorney General Kilmartin.

Volkswagen Settlement



Following up to the multistate consumer settlement against Volkswagen in 2016, Attorney General Kilmartin announced a settlement

requiring Volkswagen to pay approximately \$4.1 million dollars for violating Rhode Island state laws prohibiting the sale and leasing of diesel vehicles equipped with illegal and undisclosed emissions control defeat device software.

Under the settlement, Volkswagen was required to pay a total \$157,448,480 to Rhode Island and the other nine settling states, which amounts to almost \$1,400 per vehicle sold in each of the participating states. In accordance with the terms of the settlement, Rhode Island must use its share, \$4.1 million, on environmentally beneficial projects as directed and approved by the Attorney General's Office. Volkswagen will also be required to offer for sale in these states three separate models of electric vehicles.

"Volkswagen deceived its customers along with state and federal regulators when the company knowingly sold vehicles that failed to meet emissions standards as marketed, and further, tried to cover up their actions," said Attorney General Kilmartin. "This settlement, one of the largest in recent history, along with related federal and state settlements against Volkswagen, will provide millions of dollars to Rhode Island for diesel emission reduction, electric vehicle infrastructure, and related environmental projects."

CALL TO BAN BUMP STOCKS

Expressing extreme concern about the role "bump stocks" played in the Las Vegas tragedy, Attorney General Kilmartin joined a bipartisan letter to Congressional leaders urging them to close a loophole in current federal gun laws.

The bipartisan letter included support from a broad group of attorneys general from U.S. states and territories. The letter noted that bump stock devices – a plastic or metal piece attached to a firearm's stock designed to increase the ability to fire like a fully automatic weapon – may be used to evade the machine gun laws that are currently in place.

"This is not a partisan issue, as demonstrated by the number of Republican and Democrat attorneys general who support closing the bump stock loophole. While such use of bump stocks is already illegal in Rhode Island, I believe it is prudent for Congress to act on the issue, and do so quickly," said Attorney General Kilmartin.

As noted in the letter, bump stocks can "mimic fully automatic machine gun fire and therefore lead to disastrous consequences in the wrong hands."

Since 1986, when Congress enacted the Firearm Owners Protection Act to amend the Gun Control Act of 1968, fully automatic weapons and machine guns have been restricted, making it unlawful for civilians to possess unless the firearm was acquired prior to the Act's effective date.

Western Union Settlement

In 2017, Attorney General Kilmartin announced a settlement with The Western Union Company (Western Union), resolving an investigation which focused on complaints of consumers who used Western Union's wire transfer service to send money to third parties involved in schemes to defraud consumers.

The settlement required Western Union to develop and put into action a comprehensive anti-fraud program designed to help detect and prevent incidents where consumers who have been the victims of fraud use Western Union to wire money to scam artists.

"While we have seen a spike in consumer scams utilizing pre-paid debit cards and gift cards, requiring people wire money through legitimate companies like Western Union, it is still among the top ways scam artists use when duping people, particularly among international thieves and schemes," said Attorney General Kilmartin. "These schemes include lottery and contest scams in which consumers are told they have won a large sum of money but must first wire money to pay required taxes or fees before receiving their winnings, grandparent scams in which a consumer believes his or her loved one is in immediate danger and needs money right away, and romance scams in which someone poses as a love interest and then soon begins asking consumers to send money for various reasons."

Western Union also settled claims related to fraud-induced transfers with the Federal Trade Commission and U.S. Department of Justice. As part of those related settlements, Western Union agreed to pay \$586 million to a fund that the Department of Justice will administer to provide refunds to victims of fraud induced wire transfers nationwide, including Rhode Island victims.

Lenovo Settlement



In August, Attorney General Kilmartin announced a \$3.5 million-dollar settlement with technology company Lenovo Inc. to resolve allegations that the company violated state consumer protection laws by pre-installing software on laptop computers sold to consumers that made consumers' personal information vulnerable to hackers. Rhode Island received approximately \$53,000 from the settlement.

"We try to educate consumers on how to protect their identity online, and here is a company that was secretly hiding enabling software on laptops that put people at risk for being hacked," said Attorney General Kilmartin. "All companies, but especially technology companies, must be forthcoming and upfront with their customers, and if they engage in deceptive practices, as was done in this case, we stand ready to hold those companies accountable."

In addition to the monetary payment, the settlement requires Lenovo to change its consumer disclosures about pre-installed advertising software, to require a consumer's affirmative consent to using the software on their device and to provide a reasonable and effective means for consumers to opt-out, disable or remove the software.

Lenovo is also required to implement and maintain a software security compliance program and must obtain initial and biennial assessments for the next 20 years from a qualified, independent,

third-party professional that certifies the effectiveness and compliance with the security compliance program.

Nationwide Data Breach Settlement

Nearly five years after a data breach occurred at Nationwide Mutual Insurance Company, Attorney General Kilmartin announced a settlement with the company. Rhode Island will receive approximately \$100,000 through the settlement.

The data breach, which was alleged to have been caused by the failure to apply a critical security patch, resulted in the loss of personal information belonging to 1.27 million consumers, including their social security numbers, driver's license numbers, credit scoring information, and other personal data. The lost personal information was collected by Nationwide in order to provide insurance quotes to consumers applying for insurance.

"Companies have a responsibility to keep customer and potential customer information secure from data breaches and hackers," said Attorney General Kilmartin. "In this instance, the installation of an available security patch could have prevented this breach and the potential identity theft of 1.2 million individuals. This lack of oversight by Nationwide is simply unacceptable."

The settlement requires Nationwide to take a number of steps to both generally update its security practices and to ensure the timely application of patches and other updates to its security software, among other concessions.

ATTORNEY GENERAL KILMARTIN INVESTIGATES EQUIFAX DATA BREACH

In September, Attorney General Kilmartin announced a multistate investigation into the Equifax data breach looking into how the breach took place, what the company is doing to assist and protect consumers now, and the steps the company is taking to ensure better protections for consumers going forward.

AG Kilmartin Seeks to Ban Fees for Consumer Security Freezes

With announced data breaches at Equifax and Uber and the increased need for consumers to have greater control in protecting their identity from hackers, Attorney General Kilmartin announced his intention to file legislation that would prohibit credit bureaus from charging all Rhode Island consumers fees to place, temporarily lift, or remove security freezes on their accounts.

Under current law (RIGL 6-48), a consumer may be charged a fee of no more than \$10 for any security freeze services, including, but not limited to, the placement, temporary lifting, and permanent removal of a security freeze.

The consumer may not be charged for a one-time reissue of a new personal identification number; provided, however, the consumer may be charged not more than \$5 for subsequent instances of

loss of the personal identification number.

However, a consumer reporting agency may not charge any fee to a victim of identity theft who has submitted a copy of an incident report from, or a complaint to, a law enforcement agency or to a consumer who is of sixty-five (65) years of age or older.

The legislation would remove all costs for consumers to place, temporarily halt, or remove a security freeze, no matter age of consumer or if the consumer was a victim of identity theft.

“It’s safe to assume that at some point or another, every person’s information has been compromised through a data breach or something more criminal, making it more important than ever for consumers to exert greater control over their own personal information. Credit bureaus make money from selling our personal information to third parties. They should not be able to profit off consumers who decide to take control over who has access to their personal data,” said Attorney General Kilmartin.

Protecting Homeowners from Bad Contractors



Citing complaints against bad contractors as one of the most frequent consumer complaints filed with the Consumer Protection Unit, Attorney General Kilmartin filed legislation that would require a national criminal records check for those seeking a license as a contractor.

“Providing a licensing and registration requirement of a national criminal records check helps to ensure the physical and financial safety of consumers using the services of contractors,” said Attorney General Kilmartin.

“Due to the nature of the business relationship between consumers and contractors, these licensees have intimate access into consumers’ property, and consumers must rely heavily on the assertions made by these licensees in contracting. It is in the best interest of Rhode Island consumers that the licensing agency be able to consider whether a potential licensee has had a conviction of serious physical violence, a financial crime, or a property crime before granting a license or registration.”

Attorney General Kilmartin also filed legislation that would increase penalties for contractors who fail to comply with a final order of the Contractors’ Registration and Licensing Board (CRLB).

Specifically, the legislation would provide that any person who violates a final order of the CRLB where the monetary total of the order is less than \$5,000, upon proper written notification, would be guilty of a misdemeanor, and, upon conviction, shall be imprisoned for a term not exceeding one year, fined not more than \$1,000, or both. Where the monetary total of the order is \$5,000 or greater, upon written notification, those in violation would be guilty of a felony, and, upon conviction, shall be imprisoned for a term not exceeding 10 years, fined not more than \$10,000, or both. The imprisonment time for those persons found to be a repeat offender would be increased from up to five years to up to 10 years.

When a licensee violates a final order of the CRLB, that case is referred to the Office of Attorney

General for criminal prosecution. In the prosecution of violation of the final order, the Court may sentence the defendant to the monetary judgment the CRLB decreed in its final order. The monetary judgment includes both restitution to the victims and fines to the CRLB. Since these offenses are now considered misdemeanors, the defendant generally has only one year to pay the restitution amount, and this is not an adequate period of time in certain circumstances, especially if the final order is of a significant amount.

While the legislation failed to pass last year, Attorney General Kilmartin refiled the legislation in the 2018 General Assembly session.

Cracking Down on Mortgage Fraud



After several years of being held for further study, legislation filed at the request of Attorney General Kilmartin that creates the criminal offense of residential mortgage fraud passed the General Assembly and was signed into law by the Governor.

Residential mortgage fraud is when a person knowingly makes an omission or misrepresentation of a fact with the deliberate intention that it will be relied on in the mortgage lending process; receives proceeds in connection with a fraudulent transaction; conspires with another to engage in acts of residential mortgage fraud; or files a document that is known to be a misstatement.

The Act makes residential mortgage fraud a felony and those convicted would be subject to imprisonment up to 10 years, a fine of \$10,000, or both. If the offender knew that the victim was vulnerable due to age, infirmity, or reduced physical or mental capacity, or national origin, they would be subject to imprisonment up to 15 years, a fine of \$15,000, or both; and court-ordered restitution. In addition, any person who engages in a pattern of residential mortgage fraud would be subject to imprisonment up to 20 years, a fine of \$100,000 or both.

“Rhode Island was among the hardest hit when the housing bubble burst, leaving tens of thousands of homeowners unable to pay their mortgages, and nearly driving our economy off a cliff. Everyone – bankers, mortgage service providers and individuals applying for mortgages – played it fast and loose, often providing false information about the ability of those applying for a mortgage to afford the payments with the promise of a quick commission and with the expectation the market would continue to go up. With this Act, we have put important measures and penalties in place for such reckless and criminal behavior and will ensure Rhode Island is not as vulnerable to another housing downturn,” said Attorney General Kilmartin.

Educating Youth

Whether it be reading to elementary school-age children as part of Junior Achievement Reading Week or serving as a judge in the annual LifeSmarts competition, Attorney General Kilmartin enjoys speaking with young people about relevant issues.

It Can Wait

With recent studies showing that seven in 10 people are still using their smartphones while at the wheel and a startling number of drivers snap “selfies” or video chat, Attorney General Kilmartin continued to educate teen drivers on the dangers and consequences of distracted driving, bringing the “It Can Wait” campaign to schools throughout Rhode Island.



Attorney General Kilmartin visited more than one dozen schools last year to talk about the dangers of distracted driving.

Now in its sixth year, Attorney General Kilmartin once again joined with the Rhode Island State Police and AT&T on the program.

“Education is a key component to changing driver behavior and teaching young drivers the right behavior from the very start. The response by students to the It Can Wait program has been very positive since we launched it six years ago. We have made 83 school presentations since then, often returning to the same school year after year to speak with the new batch of young drivers,” said Attorney General Kilmartin.

Memorial Day to Labor Day is unofficially known as the “100 Days of Summer.” But, according to AAA, it is also the “100 deadliest days” for young drivers, and new statistics back up that ominous term: the number of deaths from crashes involving young drivers soars to an average of 10 every day -- 16 percent higher than the rest of the year.

The leading culprits for this increase in crashes among young drivers are inexperience, distracted driving, and impaired driving.

To raise awareness of the issue, Attorney General Kilmartin used Twitter and the Office of Attorney General’s website to educate teens and young adults about the dangers of distracted and impaired driving. The summer campaign expanded upon the already popular It Can Wait program.

“I recognize that changing driver behavior is an ongoing battle. We need to continually reinforce the message that distracted driving and impaired driving is dangerous and all too often deadly,” said Attorney General Kilmartin. “There is encouraging news though. Studies show that peer influence can have a tremendous impact on drivers’ behavior, especially teen drivers. It is my hope that young drivers share these messages with their friends and family.”

Protecting Kids from Dangerous Products

Attorney General Kilmartin legislation requiring child-resistant packaging for e-liquid used in electronic nicotine-delivery systems such as e-cigarettes and bans e-cigarette use on school grounds was approved by the General Assembly and signed into



Staff at the Office of Attorney General helped spread the “It Can Wait” message and pledged to never drive distracted.

“ASK, LISTEN, LEARN” WITH ATTORNEY GENERAL KILMARTIN AND SIMONE BILES



Attorney General joined U.S. Olympic gold medal gymnast Simone Biles to tape a public service announcement on the dangers of underage drinking. Part of the “Ask, Listen, Learn: Kids and Alcohol Don’t Mix” campaign, the PSA helps parents jump start conversations with their kids about the dangers of underage drinking, while reminding them that we are in the fight together.

law in 2017.

E-liquids contain nicotine in its purest form mixed with flavoring, coloring, and assorted chemicals, and can be extremely dangerous, especially for children who may be attracted to them by their color and sweet, candy-like smell.

The new law requires all liquid “intended for human consumption and/or use in an electronic nicotine-delivery system” to be contained in child-resistant packaging, which means packaging that is designed to be significantly difficult for children under five to open or obtain a harmful amount of the substance inside within a reasonable time.

While a federal law requiring childproof packaging for e-liquid took effect last year, a state law addressing the issue would enable the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals to enforce violations by licensed distributors. States across the country, including Massachusetts, New York and Vermont, require e-cigarette and vaping liquids to be packaged in child-resistant packaging.

The new law also adds electronic nicotine delivery systems to the statute that bans tobacco use on school property, to ensure that the state law banning smoking on school

property includes e-cigarettes and vaping.

“While the jury is still out on the health effects of e-cigarettes versus the known health problems caused by traditional nicotine products, we can all agree that these products should be kept out of the hands of children,” said Attorney General Kilmartin.

Fighting the Travel Ban (1, 2 and 3)

Attorney General Kilmartin signed onto all amici briefs presented to the Office opposing President Trump’s travel bans, arguing the bans were unconstitutional. While each brief was slightly different, the arguments centered around the considerable harms that would occur if the bans were allowed to go into effect, including harm to state colleges, universities, and medical institutions, reduced tax revenues and damage to state economies, harm to the medical care of residents, and harm to antidiscrimination laws and protections for religious freedom found in



Attorney General Kilmartin visited WPRI-TV/Fox Providence monthly to discuss issues that are important to Rhode Islanders.

the Constitution.

“When the Trump Administration issued its first travel ban through Executive Order, I pledged to fight the unconstitutional measure,” said Attorney General Kilmartin. “In each legal action we have taken, the Courts have sided with our arguments, found in favor of the rule of law of this country and blocked the travel ban. I am confident we are on the right side of the law and pledge to continue to fight any efforts to undermine our Constitution and the protections it affords us all.”

As of the date of publication, the constitutionality of the travel ban is pending before the Supreme Court of the United States.

Fighting for Dreamers

After the President ended the Deferred Action for Childhood Arrivals (DACA), Attorney General Kilmartin and 15 other states filed a lawsuit in the U.S. District Court for the Eastern District citing harms to the states’ residents, institutions, and economies, and that the move violated the due process rights of so-called Dreamers.

“The President talked about having compassion for DACA grantees, but his actions proved otherwise. Compassion would have been to keep the DACA program in place, as is. By tossing the decision to a gridlocked and dysfunctional Congress, Trump knowingly put at risk the legal protections of 800,000 individuals who have followed the rules and who are contributing members of our community,” said Attorney General Kilmartin.



Attorney General Kilmartin announced his intention to file a lawsuit on behalf of “Dreamers” at a rally in Central Falls.

According to the Migration Policy Institute, there are approximately 5,000 DACA-eligible residents living in Rhode Island. In the lawsuit, Attorney General Kilmartin cited a report by the Institute on Taxation and Economic Policy that estimates the State will lose \$2.6 million in state and local taxes if DACA protections are lost and another \$61 million in annual GDP loss removing DACA grantees from the workforce, according to a report by the Center for American Progress.

In early 2018, the U.S. District Court for the Eastern District issued an injunction in a separate but linked DACA case requiring the federal government to maintain DACA as it existed before the September announcement suspending the program. The federal government, however, is not required to accept new DACA applications and can make judgments on renewals on a case by case basis. The case is currently in discovery.

Protecting LGBTQ Community



Attorney General Kilmartin took several actions in 2017 to support the rights of the LGBTQ community.

In March, Attorney General Kilmartin joined an amicus brief with the Supreme Court of the United States in support of a transgender student – known as “GG” – who sued the Gloucester County School for discrimination, arguing that discrimination on the basis of gender identity causes real and significant harm to both transgender people and the states themselves.

The Supreme Court case was to determine whether the Gloucester County School Board’s policy prohibiting transgender boys and girls from using restrooms that other boys and girls use discriminates against transgender students on the basis of sex, in violation of Title IX.

“Discrimination of any kind, especially based on sexual orientation or what gender a person identifies with, is reprehensible,” said Attorney General Kilmartin.

In the wake of a February 22, 2017, document from the U.S. Department of Education and Justice that revoked the Obama-era guidance on which a lower court had relied to rule in the teen’s favor, the Supreme Court sent the case back to the U.S. Court of Appeals for the 4th Circuit for reconsideration in light of the new guidance.

In October, Attorney General Kilmartin joined an amicus brief filed with Supreme Court arguing that employment discrimination on the basis of sexual orientation violates Title VII of the Civil Rights Act.

In the amicus brief filed in the *Evans v. Georgia Regional Hospital*, Attorney General Kilmartin argued that states had strong interests in protecting their citizens against employment discrimination on the basis of sexual orientation. The lack of nationwide recognition that Title VII bars such discrimination blocks the full protection of LGBTQ workers – particularly given divisions between the Equal Employment Opportunity Commission (which takes the position that Title VII protects workers from sexual orientation) and the federal Department of Justice (which has taken the opposite position).

Even in states like Rhode Island that have laws barring sexual-orientation discrimination in the workplace, “Title VII plays a crucial complementary role by covering individuals not subject to the states’ laws—for instance, federal employees or residents who work in another state—and by making available both the federal courts and a federal enforcer, the Equal Employment Opportunity Commission (EEOC), to police invidious discrimination based on sexual orientation,” Attorney General Kilmartin argued in the brief.

The case involves Jameka Evans, a security guard at a Savannah hospital who was harassed at work and forced out of her job because she is a lesbian. Evans’ petition seeks a nationwide ruling that discrimination on the basis of sexual orientation violates Title VII.

In December 2017, the Supreme Court declined to hear the case on procedural grounds.

Arguing that a business owner's personal beliefs do not give him the right to discriminate against customers, Attorney General Kilmartin in October joined a coalition of 20 attorneys general in filing an amicus brief with the Supreme Court defending the constitutionality of Colorado's public accommodations law.

The brief was filed with the Supreme Court in the case of Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission. The owner of the bakery is challenging the Colorado public accommodations law, claiming it violates his rights to freedom of speech and free exercise of religion.

The attorneys general filed the brief in support of the Colorado Civil Rights Commission and the couple to whom Masterpiece Cakeshop refused to sell a wedding cake.

The Supreme Court heard arguments on the case in February 2018 and is expected to issue its decision later in the year.

"Rhode Island has a strong history with enacting and enforcing anti-discrimination laws that protect all people, including the LGBTQ community from discrimination, and the argument of the amici states is consistent with Rhode Island law. Individual rights and freedoms are the cornerstone of our country, but there needs to be a balance to ensure that one person's rights do not discriminate against another person, especially if that discrimination is based on sexual orientation," said Attorney General Kilmartin.

In October 2017, Attorney General Kilmartin joined with a group of attorneys general in filing an amicus brief in U.S. District Court for the District of Columbia in the case *Doe v. Trump*, opposing the Trump Administration's plans to ban open military service by transgender individuals.

Later that month, the Court ruled that Trump's directive changing the transgender policy back to what it was before June 2016 and banning new transgender recruits from enlisting cannot be enforced while the case is being reviewed in court, and that it was likely the plaintiffs would win on the merits that the policy violated their Fifth Amendment right to due process. However, the judge denied the plaintiff's motion to block the ban on funds for gender reassignment surgery.

Commenting on the decision, Attorney General Kilmartin said, "Commitment to protecting this great nation at home and abroad, serving with honor and dignity, treating your brothers and sisters in uniform with respect, and patriotism are all conditions to serving in our military. Conforming to a specific gender identity in order to serve is arbitrary and, as the judge notes, is not a condition to serve."

At the time of publication, the case had not been heard on the merits.

Protecting the Environment

Attorney General Kilmartin challenged, in numerous federal courts, the national administration's initiatives — undertaken through its appointees at the Environmental Protection Agency (EPA) — to rollback or eliminate hard-won protections for our air, water, and workplaces. These legal challenges included litigation by the EPA attempts to delay implementation of the Clean Power Plan's regulation of carbon dioxide emissions from power plants.

“Rhode Island has been a leader in the fight for clean air, clean water, and sound renewable energy policies. The lack of action, delay in implementing regulations, and the outright dismantling of long-standing policies by the EPA undermines the great strides Rhode Island and this country have made in improving the quality of air we breathe and the water we drink,” said Attorney General Kilmartin.

Likewise, Attorney General Kilmartin opposed, in litigation, attempts to delay tighter ozone standards, tighter methane standards, and tighter chemical safety standards. Moreover, Attorney General Kilmartin intervened in court in support of cross-state air regulations that prevent Rhode Island from being victimized by interstate pollution coming from upwind sources.

“It’s been long established that Rhode Island and the other northeast states are negatively impacted by pollution from upwind states, and this latest decision by the EPA flouts sound environmental science and puts many Rhode Islanders – especially young children and older people – at serious risk of health issues,” said Attorney General Kilmartin.

At the time of publication, all cases were pending.

Standing up for Students



Attorney General Kilmartin speaks to high school students participating in Junior Achievement.

Last year, Attorney General Kilmartin filed two lawsuits against the U.S. Department of Education and Secretary Betsy DeVos for abandoning critical student protections from for-profit universities.

In July, Attorney General Kilmartin filed a lawsuit in the U.S. District Court alleging the Department of Education violated federal law by abruptly rescinding its Borrower Defense Rule, which was designed to hold abusive higher education institutions accountable for cheating students and taxpayers out of billions of dollars in federal loans. The Rule was finalized by the Obama administration in November 2016 after nearly two years of negotiations,

following the collapse of national, for-profit Corinthian Colleges.

“In the past, many for-profit colleges and universities made promises of well-paying jobs upon completion of the programs, only for students to be left with worthless degrees and tremendous debt. We cannot go back to those days. We must continue to keep strong regulations in place to ensure students are receiving a quality education at a fair price,” said Attorney General Kilmartin.

In October, Attorney General Kilmartin filed another lawsuit against the Department of Education for refusing to enforce the Gainful Employment Rule, another federal regulation designed to protect students from predatory for-profit schools.

The complaint, filed in U.S. District Court for the District of Columbia, alleges that the Department of Education violated federal law by refusing to enforce the Gainful Employment Rule, which implements the requirement in the Higher Education Act that all for-profit schools, all vocational schools, and non-degree programs at all other schools “prepare students for gainful employment

in a recognized occupation.”

At time of publication, both cases are pending.

Leading Important Policy Discussions



Attorney General Kilmartin was joined by medical professionals, business owners, and law enforcement at a press conference to announce a coordinated opposition to the legalization of recreational marijuana in Rhode Island.

With growing pressure by special interests to push forward with the legalization of recreational marijuana in Rhode Island, Attorney General Kilmartin, along with Smart Approaches to Marijuana (SAM), the Ocean State Prevention Alliance, and What's the Rush Rhode Island, hosted a press conference to announce a unified opposition to the legalization of marijuana.

Speakers at the press conference included representatives from law enforcement, the prevention and recovery communities, the medical community, the business community, municipal leaders, and others who are united in their opposition.

“Many of the voices who spoke at the press conference we heard for the first time, especially the medical community and municipal leaders. What they had to say should make every parent, every teacher, every business owner, every Rhode Islander pause to think about the many real consequences of legalization of recreational marijuana,” said Attorney General Kilmartin. “This is a very complex policy decision that will have long-lasting effects and unintended consequences, many of which are still unknown. This is not a decision that should be made lightly. It’s important that we continue to have these discussions to better understand the full impact of legalization before we head down that path – a path I believe is the wrong direction for the State of Rhode Island.”

“Marijuana lobbyists are pouring money into New England and looking to follow in Big Tobacco’s footsteps to become the next big addictive industry in Rhode Island,” said SAM Executive Vice President Jeffrey Zinsmeister. “This issue isn’t about moralizing or ideology, it’s about public health and the communities we want to raise our children in.”

As the largest professional organization of pediatricians in the United States and beyond and representing the more than 250 pediatricians in the State, the President of the Rhode Island Chapter of the American Academy of Pediatrics (AAP) weighed in on the Academy’s concerns about the legalization of marijuana’s negative impact on children’s health.

In its policy, the AAP affirmed its position against the legalization of marijuana, stated its opposition to “medical marijuana” outside the FDA regulatory process, and presented recommendations to protect children in states that have legalized marijuana for medical or recreational purposes.

“While legalization may be inevitable, a ‘wait and see’ attitude and thoughtful approach, and drawing on the experience of states like Colorado on the longitudinal impact on its population

ATTORNEY GENERAL KILMARTIN WELCOMES PERUVIAN JUDICIAL DIGNITARIES



Attorney General Kilmartin hosted several judicial dignitaries from Peru through the ABA's Rule of Law initiative, an international development program that promotes justice, economic opportunity, and human dignity through the rule of law.

The mission is to provide international jurists interaction with U.S. agencies that handle investigative cases and anti-corruption strategies of public officials, to strengthen inter-institutional relations, and to glean best practices and lessons learned that can strengthen the improvement efforts in Peru.

Peru has undergone an important overhaul of its criminal justice system. In 2004, Peru passed a law creating a new Criminal Procedure Code, marking the beginning of a transition from the former mixed-inquisitorial criminal procedure model to a new oral, accusatorial (adversarial) system. Despite this, Peru's criminal justice system still faces extensive challenges in the implementation of the new system and in providing access to justice to all Peruvians.

will highlight how legalization is not as positive as initially thought and in many ways, may lead to higher societal costs," said Susan Duffy, MD, MPH, President, Rhode Island Chapter of the American Academy of Pediatrics.

Leading Policy Discussions on Elder Abuse Issues

Recognizing that Rhode Island is one of only a handful of states that has an established Elder Abuse Unit, Attorney General Kilmartin was asked to serve on a bi-partisan working group of attorneys general to strengthen efforts nationwide to combat elder abuse. The initiative was announced by the National Association of Attorneys General (NAAG) and NAAG President and Kansas Attorney General Derek Schmidt.

"I am honored to serve on the working group and help Attorney General Schmidt and NAAG establish best practices for combatting elder abuse and elder financial exploitation across the country," said Attorney General Kilmartin.

Attorney General Kilmartin serves in several other leadership positions with NAAG, including chair of the Eastern Region, liaison to the International Association of Prosecutors, and co-chair for NAAG's Consumer Protection Committee, and serves on the Criminal Law Committee, the Law Enforcement and Prosecutorial Relations Working Group, and Veterans Affairs Committee.

Improving Customer and Constituent Service

With a significant increase in the need for individuals to obtain national and/or state background checks that has outgrown the



The Customer Service Center, located on the Pastore Complex in Cranston, is expected to be open by Summer 2018.

current location in downtown Providence, Attorney General Kilmartin broke ground on a new Customer Service Center in the Pastore complex in Cranston.

Located at 4 Howard Avenue in Cranston, the Customer Service Center will house the Bureau of Criminal Identification (BCI), Consumer Protection Unit (CPU), and Diversion Unit, as well as additional office space for attorneys.

“This is an exciting chapter for the Office. The one complaint we consistently hear from the public when they come to the

Providence office for a background check or a consumer issue is the lack of parking and lobby space. We will eliminate that problem by creating a centrally located and inviting facility that offers plenty of parking and ease of access to public transportation,” said Attorney General Kilmartin. “And most importantly, there is no cost to the taxpayer. This is a win-win for the State and the public.”

The new facility will ease congestion in the Attorney General’s main office, located at 150 South Main Street, where the BCI window currently serves an average of 300 customers per day. The new site is located on a direct bus route, will offer ample (free) parking for the public, and is in the same complex as other state agencies that interface with the public.

Designed by Vision 3 architects, with general contractor Bacon Construction, the building will be one of only 22 buildings in Rhode Island certified with a LEED silver rating. Energy efficient features will include a 300-panel rooftop solar photovoltaic array that will generate approximately 120,000 kilowatts per year, and is predicted to reduce utility costs by more than \$16,000 annually. Other LEED silver features include low-flow plumbing fixtures, energy-optimized mechanical and electrical systems, and a pledge to recycle or salvage a minimum of 75 percent of construction waste.



Office of Attorney General staff sign the last steel beam at a “topping off” ceremony.

Expected date of completion of the Customer Service Center is Summer 2018.



Colleagues join Assistant AG Joe Lindbeck as she accepts the MADD Prosecutor of the Year Award.

Staff Excellence

The Office of Attorney General has some of the brightest and hardest-working staff in Rhode Island. Day in and day out, attorneys,

investigators, and support staff work tirelessly to ensure that justice is served for Rhode Islanders. It is this dedication, time, and commitment each employee puts into a criminal case, a consumer question, or a civil lawsuit that makes the Office of Attorney General a state agency of which the citizens of Rhode Island can and should be very proud.

While the employees do not expect any special recognition for the work they do every day, it is very gratifying when they are honored for their efforts.



Assistant AG Michael Rubin was presented with the Environmental Achievement Award from Save the Bay.



Special Assistant AG Joseph McBurney honored for his work on "Operation Don't You Remember."

The Rhode Island chapter of Mothers Against Drunk Driving honored Assistant Attorney General Joe Lindbeck for her efforts in stopping impaired driving, supporting victims, and preventing underage drinking.

Save the Bay honored Assistant Attorney General Mike Rubin, Unit Chief of the RIAG Office's Environmental Division, with the Environmental Achievement Award from Save the Bay.

Special Assistant Attorney General Joseph J. McBurney received an award from the New England Narcotic Enforcement Officers Association for their involvement in the DEA-led "Operation Don't You Remember," which led to the arrest and successful prosecution of 30 drug traffickers in the Hartford Park housing complex in Providence.

Giving Back to the Community

A core tenet of the Office of Attorney General is the belief that it is important to give back to the community. The Office's 231 employees donate their time and money to countless charities, participate in community events to raise awareness of causes that are important to them, and lend a hand whenever asked.

Staff from the Office of Attorney General regularly volunteer for the Rhode Island Special Olympics. By holding regular "dress-down days" to raise money, the Office contributes thousands of dollars annually to local charities, including the Special Olympics, the Gloria Gemma Breast Cancer Research Foundation's Starfish Project, and the Rhode Island Society for the Prevention of Cruelty to Animals. The Office hosts regular blood drives to support the Rhode Island Blood Center, and collects non-perishable food items throughout the year to support the Rhode Island Community Food Bank, just to name a handful of initiatives.



Attorney General Kilmartin speaks to a group of kids at a press conference for Kids, Cops & Christmas.

In addition to raising funds for numerous charitable organizations, staff from the Office of Attorney General donated school supplies for needy children as part of the Kids, Cops & Classrooms initiative and collected toys for the annual Kids, Cops & Christmas event.

Honoring Others

Each year, Attorney General Kilmartin joins law enforcement partners to honor individuals and organizations committed to providing support and resources for victims at the Victims Grove Ceremony as part of National Crime Victims' Rights Week.



Cathy Andreozzi and her daughter Tori Lynn attend the Victims Grove Ceremony.

The 2017 honorees included Darlene Allen, Executive Director of Adoption Rhode Island, Victoria M. Almeida, Esq., Vice Chairperson of the Rhode Island Parole Board, Cathy Andreozzi of the Tori Lynn Andreozzi Foundation, Bikers Against Child Abuse, Inc., and Meagan Fitzgerald, Child Life Specialist at Hasbro Children's Hospital.

In carrying on a tradition by a former administration, Attorney General Kilmartin recognizes individuals and organizations for their commitment to justice and the community. Known as the Justice Awards, each is presented in honor of one of the eight previous Attorneys General: Arlene Violet, Richard Israel, Herbert DeSimone,

Dennis Roberts, James O'Neil, Jeffrey Pine, Sheldon Whitehouse and Patrick Lynch.

"We have a lot to celebrate in Rhode Island, especially the many people who work and volunteer to make the state a better, safer place," said Attorney General Kilmartin.

The 2017 Justice Award recipients included George Whalen, Executive Director of the Contractors' Registration and Licensing Board, Woonsocket Police Detective Jamie Martin, Kelsey Williams of the Blackstone Valley Advocacy Center, Warwick Police Officer Aaron Steere, the Rhode Island



Providence Police Officer Brian Murphy received a Justice Award for Excellence in Law Enforcement.

Department of Corrections Special Investigations Unit, Providence Police Officer Brian Murphy, Sister Margaret Mary Schlisser of the Sacred Heart Adult Day Care Center, and CRMC Enforcement Officer Laura Miguel.



Office of Attorney General staff regularly participate in the Special Olympics Law Enforcement Torch Relay to open up the Summer Games.



Megan Fitzgerald, a Child Life Specialist at Hasbro Children's Hospital, was honored for her work with abused children.

HISTORY

The Office of Attorney General was first created in Rhode Island in May 1650. Since its inception, the Office has been an elected position, except for a brief period from 1740 to 1742 when the charter allowed for the appointment of a king's attorney for each county. In 1842 the Rhode Island Constitution formally adopted the Office of Attorney General.

The Office, established under the Rhode Island Constitution, is one of the five general officers subject to election by voters. The powers and duties of the Attorney General are derived from Article IX, Section 12 of the Constitution of the State of Rhode Island, Chapter 9 of Title 42 of the General Laws of Rhode Island, as amended, and the Common Law.

Attorney General Peter F. Kilmartin is the 73rd person to serve in this role.

Major Responsibilities

The Attorney General is the top legal official in Rhode Island. As the State's chief prosecutor, the Attorney General fights to enhance the economic security of Rhode Island, protect the public safety of our communities, and restore the public trust in state government.

As the central legal agency of the State, the Office of Attorney General is responsible for prosecution of all felony criminal cases and misdemeanor appeals, as well as prosecution of misdemeanor cases brought by state law enforcement agencies.

Additionally, as chief legal officer for the State, the Attorney General represents all agencies, departments, and commissions in litigation, and initiates legal action where necessary to protect the interests of Rhode Island citizens.

The Office of Attorney General is also charged with operating and maintaining the Bureau of Criminal Identification, which is the central repository for all criminal records in the state.

EXECUTIVE AND ADMINISTRATIVE DIVISIONS

The Executive and Administrative divisions of the Office of Attorney General consist of the Attorney General, Deputy Attorney General, Chief of Staff, Director of Administration, and support staff. The divisions provide the general management and direction for the Office and implement policies, programs, and legislation aimed at keeping Rhode Island communities safe and secure.

Deputy Attorney General

The Deputy Attorney General serves as the principal advisor to the Attorney General on all legal and administrative matters. The Deputy oversees the development and implementation of policy and serves as liaison between the Attorney General and all department staff and program officials. Gerald Coyne, Esq., has served as Deputy Attorney General since 1999 and has served in that capacity under three Attorneys General.

Administration Division

The Administration Division's role is to provide a seamless support functionality to ensure the overall mission and mandates of the Office continue without disruption. The Director of Administration is responsible for all financial operations, including the preparation and submission of the annual budget, monitoring and controlling expenditures, supervising the personnel office, information technology, operations, and fiscal office; and lobbies for the resources necessary for efficient operations of the entire Office.

The total budget for fiscal year 2017 (FY17), ending June 30, 2017, was \$31,310,774. It consisted of \$25,379,777, or 81.06 percent, in state general revenue funding; \$1,745,560, or 5.57 percent, in federal grants; \$4,028,179, or 12.87 percent, in restricted receipts; and \$157,258, or .50 percent, in other revenues.

The Office of Attorney General's spending for FY17 for all accounts is broken down as follows: personnel salary and benefits of \$25,379,777, or 81.06 percent; contracted services of \$963,692, or 3.08 percent; other state operational costs of \$2,210,231, or 7.06 percent; and capital improvements of \$2,986,381, or 9.54 percent.

In 2017, the office expended some of the so-called "Google" settlement funds to improve the operations of the Office, at no cost to the taxpayer. Among the projects fully funded by the Google settlement since 2013 are the acquisition, renovation, and operational maintenance of an adjacent property which houses the Office's Civil Division and Medicaid Fraud and Patient Abuse Unit; the construction of a new data center; improvement and enhancement of the Office's information technology infrastructure; updates to the state's criminal history repository; and the development of a new customer service center which will house the Consumer Protection Unit, the Bureau of Criminal Identification, and the Diversion Unit.

In FY2017, the budget provided for 235.1 full-time equivalent positions:

Executive and Administration	22.0 employees
Criminal Division	150.1 employees
Civil Division	44.0 employees
Bureau of Criminal Identification	19.0 employees

The Office of Attorney General is committed to maintaining a diverse workforce. As of June 30, 2017, the last official reporting period, minorities constituted 12.88 percent of the staff and women constituted 58.37 percent.

The Executive Division also manages the Scholastic Internship Program, in which approximately 150 college-age and high school-age students participated in 2017. The program is a valuable on-site learning experience for the students, as well as a critical resource for the Office, whose employees annually log approximately 20,000 hours of uncompensated overtime for the people of Rhode Island.

The Fiscal Office assists in the financial operations of the Office of Attorney General, including the submission of the annual budget, monitoring and controlling expenditures, processing state paperwork such as purchase requisitions and purchase orders, travel and invoice vouchers, maintenance and service contracts, all grant and MOU reporting, and all other budget-related transactions. The Fiscal Office also handles payroll submission, accrual and discharge of vacation, sick, and personal hours, and payroll adjustments.

The Operations Office handles all the existing facilities operated by the Office, including but not limited to our offices located in Newport, Washington, and Kent County, Traffic Tribunal, Garrahy and Licht Judicial Complexes, our main offices located at 150 and 180 South Main Street in Providence, and the customer service center being constructed at 4 Howard Avenue, Cranston.

The Human Resources and Benefits Office processes all personnel actions and facilitates the employee benefits offered through the State throughout the employment cycle for the Office's employees.

The Information Technology Office is responsible for Telecommunications including IP phones and all areas of the enterprise infrastructure such as hardware, software, networks, data centers, and related equipment used to develop, test, operate, monitor, manage and/or support information technology services in each functional division spread out over the office.

In 2017, Information Technology projects included security enhancements and bandwidth upgrades, and improving the speed and security of the Office's information technology system.

In addition, the Office underwent an office-wide infrastructure refresh including the buildout of a data center and the introduction of virtual desktops for employees, as well as the implementation of several cloud-based systems, enhancing productivity for attorneys and support staff.

BUREAU OF CRIMINAL IDENTIFICATION

The Bureau of Criminal Identification (BCI) serves as the central repository and clearinghouse for all demographic information on individuals arrested as well as court dispositions of crimes in Rhode Island. In addition, BCI provides state and national background check services to the public, reviews and issues licenses for concealed carry permits in Rhode Island, and maintains multiple law enforcement databases, including the Rhode Island Criminal History System (RICH), the Restraining Order and No Contact Order (RONCO) database, Criminal Automated Fingerprint Identification System (CAFIS) and License and Sales Tracking System (LSTS) database for precious metals.

As of December 31, 2017, the RICH database maintains the criminal history records of 297,650 individuals and approximately 1.28 million arrest charges.

In Rhode Island, information is primarily gathered through CAFIS, a national fingerprint and criminal history system that responds to requests 24 hours a day, 365 days a year, to help local, state, and federal law enforcement partners, as well as our own investigators, to solve and prevent crimes. CAFIS provides automated fingerprint search capabilities, latent search capability, and electronic image storage.

Law enforcement agencies submit fingerprints and other identifying information via Live Scan machines. The information is transmitted via a dedicated, secure network to the FBI, where it is checked against more than 50 million records. Information is then transmitted back via the secure network to the submitting law enforcement agency. The information is also automatically entered into the Rhode Island Criminal History (RICH) database maintained by BCI. The CAFIS system and the RICH database automatically share and update information in real time as it is electronically or manually entered.

RICH is fingerprint-supported only, meaning if there are no fingerprints submitted, an arrest record cannot be maintained. CAFIS captures fingerprints, as well as information such as corresponding criminal histories, mug shots, scars, marks and tattoos, photos, physical characteristics, and aliases. The system is also utilized for civil employment purposes as dictated by Rhode Island statutes.

The BCI Unit is responsible for maintaining the accuracy of the information in the RICH database gathered through the CAFIS from the time of arrest to the culmination of the criminal proceeding. As such, the BCI Unit enters criminal case disposition information received from prosecutors and the Rhode Island Judiciary into the RICH database system, which automatically updates the FBI system. Last year, 18,771 dispositions were entered into the system by BCI personnel.

Rhode Island General Law §12-1-12 directs that those authorized to collect identifiers of persons arrested shall destroy them within 60 days after the accused has been acquitted or otherwise exonerated. Further, Rhode Island General Law §12-1.3 calls for the expungement of criminal records when certain criteria have been met. The BCI Unit manually processes all expungements and ensures the charge(s) is removed from the individual's criminal history once notified of the expungement, and notifies the FBI to remove the charge(s) out of its database. In 2017,

approximately 10,172 expungements were processed.

Criminal Record Requests

One of the major functions of the BCI Unit is responding to individuals requesting criminal history checks. Due to increased security measures in both the private and public sectors, the need for employment background checks continues to rise. On average, in 2017, personnel at the BCI window in Providence served more than 300 people each day, Monday through Friday. In addition, BCI personnel respond to thousands of Rhode Island state background check requests received annually by mail. In 2017, the BCI Unit generated approximately \$316,247 in Rhode Island state background check fees (\$5.00 each).

There are several Rhode Island statutes which mandate that individuals seeking employment or licensing in specified fields are subject to a nationwide criminal history background check.

Pursuant to the statutes, individuals seeking employment or licensing may respond to their local police department, the Rhode Island State Police, DCYF or the Office of Attorney General, to obtain a fingerprint-based national background check. Upon receiving the information from the FBI, BCI personnel notify the employer/agency whether the applicant is qualified or disqualified for the employment or licensure.

During 2017, BCI personnel processed 24,238 national background checks for various employment and licensing requirements, including school employee applicants, nursing licenses, security guards, Twin River and Newport Grand employment, and medical marijuana caregivers and purchasers, among others.

Restraining Orders/No Contact Orders

Rhode Island law specifies that all domestic violence and sexual assault protective orders must be filed in the Restraining Order/No Contact Order (RONCO) system located within the Attorney General's BCI Unit. Orders generated by District, Superior, and Family courts, police departments, and bail commissioners must be filed upon issuance by electronically submitting such orders to the BCI Office no later than the end of the day they were issued. Modifications and terminations of such orders must also be forwarded to BCI and entered by the end of each day. In 2017, BCI staff entered over 11,000 temporary restraining orders/restraining orders, no contact orders and modifications into the database with approximately 6,657 remaining active. In addition, BCI personnel verifies the accuracy of the information contained in the RONCO monthly.

Warrants

Since converting to an electronic warrant system, the courts and police departments enter their warrants into the Rhode Island Law Enforcement Telecommunications System (RILETS). Warrants for those wanted outside the state of Rhode Island (New England area or nationwide) must be entered and cancelled manually by BCI personnel. On occasion, local warrants may be upgraded as additional information is received on the wanted individual and the warrant is extended from "RI only" to New England or nationwide. In addition, BCI personnel verifies the accuracy of the information contained in the entered warrants monthly.

During the course of the year, BCI was responsible for the arrest of 71 individuals who had an outstanding warrant and appeared in the Office for BCI record checks.

Pistol and Revolver Permits

Under Rhode Island General Law §11-47-18, the Attorney General may issue a license or permit to state residents 21 years of age or older to carry a pistol or revolver, whether concealed or not, upon a proper showing of need. In assessing the need of an applicant to carry a pistol or revolver, the Office also considers the issuance of a restricted permit for specified purposes.

As of December 31, 2017, there were 2,335 active pistol permits in Rhode Island issued by the Office of Attorney General. During calendar year 2017, a total of 648 pistol and revolver permit applications were processed, of which 83 were new applications and 565 were renewals.

In accordance with Rhode Island General Law 11-47-35.3, the Office of Attorney General shall provide information on the number of applications made to purchase a firearm for the previous calendar year. Last year, 16,352 applications to purchase a firearm were made to Federal Firearm Licensees in Rhode Island, of which 142 were determined the potential buyer or transferee was prohibited from receipt of possession of a firearm pursuant to Rhode Island or federal law.

Security Guard Licensing

Under Rhode Island General Law §5-5.1-13, the Attorney General is responsible for the licensing of private security guard businesses, as set forth in the rules and regulations established pursuant to the Private Security Guard Act of 1987. Federal guidelines now require that all security guards be fingerprinted for a national background check. BCI is charged with ensuring that all security guard companies, their employees, and management personnel comply with the Act. Presently, BCI has 85 active security guard business licenses on file, with 46 licenses being issued (new and renewal) in the year 2017.

Precious Metals

The Office of Attorney General maintains the License and Sales Tracking System (LSTS) database which captures information from the sales of precious metals and the pawn transactions. This database is a completely electronic system which allows data to flow more quickly, resulting in it being a more timely and effective tool for law enforcement to utilize.

The LSTS database contains an assortment of jewelry which includes chains, bracelets, rings, earrings, and watches. It also holds tools such as drills, saws, generators, chainsaw and electronic equipment including computers, laptops, DVD players, and cellphones.

In the year 2017, there were 93,093 sales transaction slips containing precious metals and pawned items which were electronically entered into the LSTS database. As of December 31, 2017, there are more than two million precious metals and pawned items in the LSTS database.

The LSTS database is a critical law enforcement tool that aids police in the recovery of stolen jewelry and other precious metals. At the present time, the database is being accessed by 418 police officers representing Rhode Island police departments, as well as Southern Massachusetts and Connecticut police departments, and federal agencies. The growth of access continues to increase as more out-of-state police departments learn about this valuable law enforcement tool that enables investigators to search by item description, date of transactions, dealers, and sellers.

Precious metals/tools and electronics licenses are reviewed and issued through the Precious Metals Unit. National background checks are conducted on all precious metals and pawn shop agents and employees. Regulated metal licenses are also issued by the Precious Metals Unit.

As of December 31, 2017, there are 114 active precious metals licenses issued by the Office of Attorney General.

CIVIL DIVISION

By law, the Attorney General represents the State, its agencies, and employees in the Rhode Island Supreme Court and all lower state courts; institutes actions in state and federal courts whenever warranted; ensures that representation is provided to state officers, employees and agencies in all courts; advises state officers and agencies on legal issues; gives written opinions on legal issues when requested by an appropriate governmental officer; and represents the interests of the people. In 2017, the Civil Division opened 979 new matters and closed 1133 files.

Cases resolved in the Rhode Island Superior Court and the United States District Court may be appealed as a matter of right to the Rhode Island Supreme Court and the First Circuit Court of Appeals, respectively.

In 2017 the Rhode Island Supreme Court decided the case of *Kilmartin v. Barbuto*, where the Attorney General brought an action seeking to declare that Rhode Island citizens had access to over a two-mile stretch of Misquamicut Beach. The Attorney General argued that in 1909, five sets of property owners dedicated the beach area to the public through a Plat and Indenture that they signed and recorded. Following a bench trial, a Superior Court justice entered judgment for the landowner-defendants. Although the Rhode Island Supreme Court affirmed the judgment, it made clear that the public could access the area below the mean-high tide line through various public easements crossing through the beach area.

The Rhode Island Supreme Court also rendered an opinion in *High Steel Structures, Inc. v. Cardi Corporation et al. v. State of Rhode Island*. At issue was Cardi's subcontract with High Steel Structures to supply steel for a portion of the I-Way Project, and High Steel's assertion that it was never paid for 182,873 pounds of temporary steel bracing. High Steel contended that the State still owed \$480,000 plus interest. The Rhode Island Superior Court agreed with the Attorney General's argument that the State had fulfilled its obligation under the contract and the Supreme Court affirmed the judgment.

The United States Court of Appeals for the First Circuit heard the case of *Congregation Jeshuat Israel v. Congregation Shearith Israel*. This case was brought by a Newport congregation arguing that it was the legal owner of a historical, religious artifact and the Touro Synagogue in Newport, Rhode Island. The Attorney General submitted an amicus brief in the First Circuit supporting the Newport Congregation's ownership of the Touro Synagogue, but the Court held that the New York Congregation was the rightful owner. Following its decision, the Attorney General submitted another amicus brief to the First Circuit asking that its decision be re-considered and/or re-argued, and that the Court of Appeals declare that the Newport Congregation is the lawful owner of Touro Synagogue. At the time of this writing, this decision is still pending.

The Attorney General also reviews requests to support amicus curiae (or friend of the court) briefs in cases pending in courts throughout the United States. These briefs are circulated through the National Association of Attorneys General to all state attorneys general. In 2017, the Office reviewed more than 100 requests that the Attorney General sign-on to amicus curiae briefs filed in state and federal courts, including the United States Supreme Court. These are cases where the State of Rhode Island is not a party to the litigation, but the court's decision may impact Rhode Island citizens. The Attorney General signed onto all amici briefs presented to the Office opposing President Trump's travel ban as unconstitutional. As of the time of this writing, the constitutionality of the travel ban is pending before the United States Supreme Court. The Attorney General has also signed onto amici briefs supporting LGBTQ rights, such

as *G.G. v. Gloucester County School Board* and *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, argued for state rights in *Christie v. National Collegiate Athletic Association*, and asked the United States Supreme Court to declare that drawing voting districts based on partisan affiliation constituted unconstitutional gerrymandering in *Gill v. Whitford*. The Attorney General also regularly signs onto amici briefs and multi-state letters in consumer protection cases, as well as issues involving state oversight of for-profit schools and student loans to protect citizens from abuses. In addition, the Attorney General has signed onto comment letters supporting environmental protection and the neutrality of the internet.

In several situations, Rhode Island joined other Attorneys General from around the country as a plaintiff in litigation. For instance, in *New York et. al. v. Trump*, Attorney General Kilmartin joined 15 other attorneys general seeking to enjoin President Trump's termination of the Deferred Action for Childhood Arrivals Program, and in *California et. al. v. Trump*, Rhode Island joined 18 other attorneys general to prevent President Trump from cancelling cost-sharing reduction payments made through the Affordable Care Act. Rhode Island is also a party in *Ohio et. al. v. American Express Co.*, a consumer protection case alleging that American Express violates anti-trust laws by steering customers' credit card choices at the point of sale, and thus increasing consumer costs. At the time of this writing, *American Express* is pending decision in the United States Supreme Court.

Last year, the Attorney General settled 11 years of disputes with certain tobacco companies arising out of the tobacco Master Settlement Agreement (MSA) the claims related to the non-participating manufacturer adjustment ("NPM Adjustment") to the tobacco companies annual MSA payment to the states. The settlement eliminated the risk of over a potential \$500 million liability to Rhode Island over those eleven years. The settlement is projected to result in an upfront payment of approximately \$40 to \$50 million to the holders of Rhode Island's tobacco bonds and \$10 million to the State. The bondholders are also projected to receive an additional \$20 million over five years. This settlement is expected to reduce the expected final redemption date of certain tobacco bond series.

This Office also settled the suit filed by the United States Department of Justice ("DOJ") against the Rhode Island Department of Corrections ("DOC") alleging unintentional discrimination involving approximately 1,550 African American and Hispanic applicants in the selection process of entry level corrections officers for the period of 2000 through 2014. After extensive discovery, the parties engaged in mediation that resulted in a settlement. The DOC is to provide \$450,000 for claimants who took the tests from 2000 to 2013, and has agreed to hire 37 qualified candidates on a priority basis from the African American and Hispanic applicants who had previously failed the testing process. For those who are hired, they will receive noncompetitive seniority benefits, the ability to purchase service credits in the ERSRI (up to a total cap of 96 years of service credits), and salary increases. The RIDOC also agreed to create new testing process. Magistrate Judge Almond conducted a fairness hearing recommended the approval of the settlement that at the time of this publication is under consideration by Chief Judge William Smith.

Antitrust Unit

The Attorney General's Antitrust Unit investigates complaints alleging violations of state and federal antitrust laws within the State of Rhode Island. Because of their complexity and the large amount of discovery, the Attorney General investigates many matters as a member of the National Association of Attorneys General Antitrust Task Force and through various multistate working groups.

The Rhode Island Antitrust Act, enacted by the General Assembly in 1979, gives the Attorney General the statutory authority to institute suit against persons, corporations, and other legal entities that are alleged to be in violation of state or federal antitrust laws. The Antitrust Act applies to all types of economic activity having an impact on trade or commerce in Rhode Island adequate to support the jurisdiction of the Superior Court. It contains analogues to Sections 1 and 2 of the federal Sherman Act and Section 3 of the federal Clayton Act. Generally in antitrust, the goal is to protect competition, not competitors. When a monopolist's actions are designed to prevent one or more new or potential competitors from gaining a foothold in the market by exclusionary, i.e. predatory conduct, its success in that goal is not only injurious to the potential competitor but also to competition in general.

During calendar year 2017, the Antitrust Unit also participated in multistate investigations of possible antitrust violations in the pharmaceutical industry, the healthcare industry, the information technology industry, the agricultural industry, matters involving the rights of indirect purchasers, industries that use vertical restraints, the credit rating industry, the on-line gambling industry, and the petroleum industry. The Attorney General, in cooperation with other states and the Federal Trade Commission, also participated in investigations of proposed mergers.

Charitable Trust Unit

The Attorney General has the statutory and common law duty to protect charitable assets within the State of Rhode Island. The Charitable Trust Unit supervises and enforces laws and regulations concerning charitable trusts and restricted funds, and administers approximately six hundred trusts containing more than half billion dollars in charitable assets. The Charitable Trust Unit enforces statutes concerning the administration, operation, and disposition of Rhode Island charitable trusts. The Unit maintains a database of all registered trusts and is responsible for representing the public interests in court proceedings involving charitable assets. The Unit also responds to inquiries regarding charitable trusts from trustees, accountants, attorneys, charitable beneficiaries, and the public.

In 2015, the Attorney General participated as amicus curiae in the litigation entitled *Congregation Jeshuat Israel (CJI) v. Congregation Shearith Israel (CSI)*, in the United States District Court for the District of Rhode Island, No. 12-822M. The crux of the litigation involved the ownership of a set of Colonial era finials, or rimonim, created by the famous silversmith Myer Myers. A secondary issue was whether the building known as Touro Synagogue, located in Newport, Rhode Island, is held in a charitable trust, and if so, for the benefit of whom. The Attorney General submitted an amicus brief taking the position that the Touro Synagogue is held in a charitable trust for the benefit of the "Jewish Society of Newport." As to the rimonim, the Attorney General took the position that ownership of the rimonim was a private property dispute, therefore, outside of the Attorney General's jurisdiction as Administrator of Charitable Trusts.

On May 16, 2016, the Court entered judgement for CJI. The Court found that CJI is the owner of the rimonim, that Touro Synagogue is held in charitable trust for the purpose of public Jewish worship, and ordered the removal of CSI as trustee and appointment of CJI as trustee of the Touro Synagogue charitable trust. CSI appealed the decision to the U.S. Court of Appeals for the First Circuit. The Attorney General filed an amicus with the First Circuit.

On August 2, 2017, the First Circuit issued its decision reversing the District Court's rulings and held that the Touro Synagogue was not held in a charitable trust for the benefit of CJI and that the

rimonim were owned by CSI. Subsequent to the decision, CJI filed a motion to reconsider for an en banc hearing with the First Circuit. The Attorney General filed an amicus with the First Circuit supporting the motion. The motion is currently pending.

Civil Rights Advocate

The duties and responsibilities of the Civil Rights Advocate include training and education, reviewing complaints, conducting investigations, and bringing civil actions under the Attorney General's Civil Rights Advocate statute, R.I. General Laws § 42-9.3-1.

To file suit, the statute requires use of force or violence, property damage, or the threat thereof, which interferes with federal or state constitutional or statutory rights. If such facts and circumstances are present, the Attorney General may bring a civil action in the name of the state on behalf of the person(s) aggrieved, seeking an injunction, monetary penalty up to \$5,000, and other appropriate relief.

In 2017, the Office continued its long-standing Hate Crimes and Civil Rights Training for Law Enforcement. The Office provided training for 145 individuals; including recruits at the R.I. State Police Academy and Providence Police Academy, and in-service training for officers from statewide police departments.

The Office continues to work with the R.I. Commission on Prejudice & Bias to establish an education program for children in middle school and, eventually, high school. The long-range plan is to educate teachers, administrators, and students on issues of hate crime and civil rights in schools with the goal to make schools safer and foster education, tolerance and civic responsibility.

Consumer Protection Unit

The Consumer Protection Unit investigates and mediates consumer complaints concerning unfair and unlawful business practices and misleading advertising arising out of alleged violations of the Deceptive Trade Practices Act. If consumers are victimized by a deceptive trade practice, the Attorney General may file a civil investigative demand in Superior Court commencing a formal investigation. In appropriate cases, a lawsuit to stop the illegal business practice may be initiated, seeking both monetary and injunctive relief.

In 2017, the Consumer Protection Unit responded to 6,300 phone and email inquiries that led to 1,100 written complaints. The Consumer Protection Unit also recovered approximately \$75,000.00 on behalf of individual consumers. In addition, the Consumer Protection Unit obtained approximately \$192,000.00 in court-ordered judgments for Rhode Island consumers and obtained approximately \$5 million through multistate settlements.

In addition to enforcing the Attorney General's statutory responsibilities, the Unit provided information and referral services to the public. Last year, hundreds of consumer complaints were referred to appropriate governmental or private agencies for help in answering specialized questions or resolving disputes that were not within the Attorney General's jurisdiction. The Unit, pursuant to statutory mandates, also registered telemarketers, resulting in \$2,900 in fees for the state in 2017, and registered health clubs, resulting in \$5,500 in fees.

The Consumer Protection Unit provided 65 outreach presentations to approximately 1,000 residents at senior centers, community groups, and organizations throughout Rhode Island to

educate and protect Rhode Islanders from scammers.

The Consumer Unit's legal counsel has also appeared in Superior Court, on behalf of Rhode Island consumers, in approximately 75 structured settlement transfer hearings. These are hearings where petitioners, such companies as J.G. Wentworth, Peachtree Settlement Funding, and Stone Street Capital, request the Superior Court to allow consumers who are the beneficiaries of structured settlements to sell all, or portions, of those settlements to those companies. These structured settlements are sold at a reduced price and the Attorney General's office appears in court to ensure that there are no violations of the Deceptive Trade Practices Act.

In addition, multiple consumer alerts and advisories were issued during 2017. The advisories alerted consumers to data breaches, informed them of consumer settlements, provided smart shopping tips, and educated consumers about several persistent scams, including the "IRS" scam, the "Grandparent" scam, the "National Grid" scam, and the "Windows Support" scam, among others.

The Office partnered with InfoShred and provided four free shredding events throughout Rhode Island to provide a safe way for consumers to discard documents and avoid possible identity theft issues.

Environmental Advocacy Unit

The Environmental Advocacy Unit employs a community-based legal approach to achieve a healthful environment for present and future Rhode Islanders. The Unit's mission is vigorous enforcement of environmental laws; securing public access to the Ocean State's shore; promoting sound implementation of state and federal environmental statutes; and defending against unjust claims by polluters.

Included within the Unit is the Environmental Advocate. Under Rhode Island General Laws § 10-20-3, the Environmental Advocate, as directed by the Attorney General, serves the public by means of independent litigation, policy recommendations, and outreach.

The year 2017 saw major activity in the areas of federal air pollution regulation, the fight against climate change, wetlands and groundwater protection, toxic clean-up, water pollution control, open space preservation, and shore and trail access.

The Unit worked with a multi-state coalition on a coordinated investigation of Volkswagen's and Porsche's admitted evasions of emissions controls in their 2009 through 2015 model-year diesel vehicles. The Attorney General reached a resolution in which Rhode Island will receive \$4.1 million for environmental projects. That \$4.1 settlement should be viewed in conjunction with the settlements of the Attorney General's consumer claims. In total, the Environmental Advocacy Unit and the Consumer Protection Unit obtained over \$20 million for the State from Volkswagen and Porsche from the settlements of claims under federal and state environmental and consumer protection laws.

The Unit challenged, in numerous federal courts, the new national administration's initiatives — undertaken through its appointees at the Environmental Protection Agency — to rollback or eliminate hard-won protections for our air, water, and workplaces. These legal challenges included litigation against the new appointees' attempts to delay implementation of the Clean Power Plan's regulation of carbon dioxide emissions from power plants. Likewise, the Attorney General opposed, in litigation, attempts to delay tighter ozone, methane, and chemical safety

standards. Moreover, the Unit intervened in court in support of cross-state air regulations that prevent Rhode Island from being victimized by interstate pollution coming from upwind sources.

Attorney General Kilmartin's lawsuit against 34 gasoline companies to recover expenses associated with the clean-up of the gasoline additive Methyl Tertiary Butyl Ether (MTBE) continues to move forward. The lawsuit, filed in United States District Court for Rhode Island, addresses the ongoing environmental risk and long-term groundwater contamination arising from the oil industry's use of MTBE and addresses the resulting expensive cleanup.

In a series of enforcement cases, Attorney General Kilmartin protected the State's groundwater against solid and hazardous waste by enforcing clean-up requirements.

The Unit has also been successful in defending the State's right to enhance state parks and forests. To streamline such improvements, the Attorney General successfully argued for a clarification of the law.

The Environmental Unit continued its fight to force a scrapyard to clean up its land on the Providence River and remove the derelict and sunken vessels. The quest to secure clean-up continues.

Further, Attorney General Kilmartin announced his opposition to the construction of the Clear River Energy power plant in Burrillville, proposed by Invenergy, LLC. This opposition includes notice of the Attorney General's intention to file an amicus curiae brief in Rhode Island Superior Court challenging the plant's water supply plan.

The Attorney General's Environmental Unit also sought to protect the State's waters from out-of-state pollution flowing downstream into Rhode Island. The Unit did this by submitting an amicus curiae brief in the U.S. Circuit Court of Appeals seeking to uphold strict levels of nitrogen for Taunton's wastewater discharge plant. Nitrogen causes excessive algae growth, oxygen depletion and fish kills. Rhode Island has worked hard to reduce its own in-state nitrogen discharges. The Attorney General believes it would be counterproductive for Rhode Island's efforts to be undermined by cross-border pollution.

In the hard-fought case of Kilmartin v. Barbuto, the Environmental Unit was, unfortunately, unsuccessful in establishing that a major portion of Misquamicut Beach in Westerly was dedicated to the public in 1909. The Rhode Island Supreme Court did, however, confirm that the nine rights-of-way along the beach were public all the way to the ocean.

Health Care Advocate

The Health Care Advocate represents Rhode Islanders through the following duties that the Attorney General may direct: to appear as an amicus curiae in civil actions, to intervene in or request initiation of administrative action related to health care and health insurance, to investigate complaints to assure the delivery of quality health care, to educate the public, to engage in legislative advocacy, to initiate formal legal actions concerning health care, and to advocate for changes to support quality and affordable health care. Many patients, family members, and providers turn to the Health Care Advocate for assistance.

The Health Care Advocate is appointed to or attends several health care-related boards and committees, and reviews proposed regulations and legislation. The Health Care Advocate also assists consumers with various issues, including access to medical records, privacy questions,

and with navigating the various agencies governing health care complaints.

The Office of the Health Care Advocate is charged with processing proposed hospital conversions pursuant to the Hospital Conversions Act. Hospital conversion reviews involve a substantial amount of work, including document review, conducting interviews, and holding public meetings. Although there are no reviews currently pending, the Health Care Advocate is reviewing compliance with decisions previously made pursuant to the Hospital Conversions Act. Currently, the unit is monitoring decisions involving the following entities: Landmark Medical Center and Rehabilitation Hospital of Rhode Island, the Westerly Hospital, the Memorial Hospital and Roger Williams Medical Center and Our Lady of Fatima Hospital.

Insurance Advocacy Unit

The primary function of the Insurance Advocacy Unit is to represent, protect, and advocate for the rights of consumers at insurance rate hearings and in the insurance marketplace pursuant to Rhode Island General Laws § 27-36-1. In addition, the Insurance Advocacy Unit assists consumers with health insurance-related issues.

The role of the Unit in connection to rate change requests for insurance providers is to independently evaluate the validity of the rate increase requests, and when appropriate, recommend alternative rates to the regulatory agency.

During 2017, the Unit represented the rights of Rhode Island citizens in connection with one rate filing that was heard in a public hearing before the Office of Health Insurance Commissioner (OHIC) and four rate filings before the Department of Business Regulation (DBR) that were not reviewed through a full public hearing process, but were reviewed on the papers with the involvement of the Attorney General.

During the year, the Unit Chief also attends regularly scheduled meetings of the Governor's Insurance Council as the Attorney General's designee. This council meets to discuss matters pertaining to various types of insurance and provide advice and counsel to the Governor.

Additionally, members of the Unit routinely attend meetings of the Health Insurance Advisory Council and the Workers' Compensation Advisory Council to stay informed as to matters relating to health insurance and workers' compensation insurance transpiring in the Rhode Island community.

The Insurance Advocacy Unit is funded by statute, R.I. Gen. Laws § 27-36-2, and it is the responsibility of the Insurance Unit to collect the assessments made by DBR on an annual basis. In 2017, the Insurance Unit collected the complete assessment from 468 companies that were assessed by the DBR for this purpose.

Legal Counsel to the Contractors' Registration and Licensing Board

The Office of Attorney General provides legal counsel to the Contractors' Registration and Licensing Board (CRLB). The CRLB regulates the construction industry through registration requirements and conducts administrative hearings to enable residential homeowners aggrieved by residential contractors to avail themselves of the dispute resolution process as an alternative to pursuing a private action in court.

When a contractor fails to pay restitution to a homeowner as ordered by the CRLB, the Office

of Attorney General plays an active role in enforcing compliance to ensure that homeowners have some measure of recourse. Through a cooperative partnership between the Office's Civil and Criminal Divisions, unscrupulous contractors can be criminally prosecuted in District Court. This process has a proven record of restoring money owed to homeowners and of keeping bad contractors from repeating their offenses.

In 2017, the CRLB received 237 new claims, closed 283 claims, opened 381 violations, and closed 981 violations. Through the dispute resolution process, the CRLB prevailed in collecting more than \$555,028 in restitution for claimants and more than \$55,809 in fines. Additionally, 31 contractors were referred to the Office of Attorney General for criminal prosecution. The amount of restitution ordered through the courts was approximately \$75,000 and the amount of fines ordered by court or remaining with the CRLB was approximately \$200,000. District Court judges continued entering civil judgments on these matters to provide homeowners with the ability to continue to pursue the matter and execute a judgment after probation closed.

The Office of Attorney General acted as liaison between homeowner victims and the criminal court's probation system to ensure receipt of restitution and communication between parties. The Office also served as legal counsel during CRLB meetings, providing the CRLB with legal advice on a host of issues, and handling administrative appeals filed in Superior Court. Additionally, the Office continues to assist with the updating and recodification of the CRLB's rules and regulations and worked actively throughout 2017 to create licensing programs for underground utility contractors, well drilling contractors, commercial roofers, and home inspectors. Assigned counsel also created a CRLB handbook to provide a reference for all relevant information for open meetings, code of ethics, rules and regulations, and Rhode Island General Laws.

Open Government Unit

The Open Government Unit investigates complaints filed against public bodies in Rhode Island for violations of the Open Meetings Act (OMA) and/or the Access to Public Records Act (APRA). In 2017, the Office issued 35 findings under the OMA and 57 findings under the APRA.

In total, the Office determined that public bodies violated the OMA on 11 occasions and the APRA 17 times. In the majority of these cases, the Office issued warnings to the public body or directed the public body to take specific remedial action.

In one instance, the Office filed a lawsuit seeking civil monetary penalties against the Town of North Kingstown for failing to properly and timely respond to an APRA request.

In addition to adjudicating citizen complaints under the open government laws, the Office is committed to outreach and education on the requirements of the Open Meetings Act and the Access to Public Records Act. One such way this is accomplished is by providing both formal and informal advisory opinions on these laws to legal counsel for public bodies. During 2017, the Unit issued three written advisory opinions, and answered hundreds of inquiries by telephone and email with informal opinions.

In addition, Attorney General Kilmartin hosted the annual Open Government Summit to educate officials and the public on the APRA and the OMA. Held in July, the Open Government Summit attracted nearly 500 attendees and was streamed live over the Internet for the sixth consecutive year. Attorneys assigned to the Open Government Unit also traveled throughout the State to provide training to state and local public bodies on an individual basis. To encourage additional

training, Attorney General Kilmartin has made the materials and video from the Open Government Summit on the Office website, accessible 24 hours a day.

Public Utilities Regulatory Unit

The Public Utilities Regulatory Unit or “PUC Unit” represents the ratepayers and citizens of the State of Rhode Island in all matters affecting the provision of public utility service as defined by Rhode Island General Laws § 39-1-2. Such services include those that certain municipal and investor-owned utilities provide to Rhode Island consumers in the areas of electric, gas, water, and sewer, as well as all common carrier services, i.e., taxi, non-consensual towing, moving, and limousine companies operating in the State.

The primary role of the Unit is to serve as legal counsel to the Division of Public Utilities and Carriers (the Division) in proceedings before the Public Utilities Commission. In this capacity, the Unit provides legal counsel to the Division with the principal aim of protecting ratepayers from public utilities’ efforts to charge unreasonable rates or engage in unreasonable practices. The Unit represents the Division before all state and federal trial and appellate courts of competent jurisdiction.

On the regulatory front, proceedings resolved this calendar year include successfully advocating before the PUC for \$3.6 million in savings from the filed amounts requested by two local water utilities. The Unit also participated in negotiations that resulted in a settlement with the State’s principal electric utility that saved ratepayers about \$3.9 million. Lastly, in proceedings before the Division, the PUC Unit assisted the agency in collecting over \$291,697 in civil fines against taxi, ferry, moving, and towing companies for a variety of regulatory violations.

Before the judiciary, the PUC Unit successfully obtained dismissal of an action filed in the U.S. District Court for the District of Rhode Island where the plaintiff had claimed that a federal statute preempted the State from imposing recovery of fees under the State Towing Tariff. The Unit also successfully obtained dismissal of an action in the Providence County Superior Court where the plaintiff contended that a price floor applicable to private motor vehicles violated the Equal Protection Clause to the United State Constitution. In a third major success, the PUC Unit obtained affirmance by the Rhode Island Supreme Court of a PUC decision that permitted a local water utility to repay a loan to a municipality, saving ratepayers about \$1.0 million. Finally, along with Deepwater and National Grid, the Unit successfully obtained affirmance by the First Circuit Court of Appeals of a United States District Court decision that held that Rhode Island’s Deep Water Wind project did not violate the Federal Power Act, PURPA and the Supremacy Clause and Commerce Clauses to the United State Constitution.

Tobacco Enforcement Unit

In 1998, the State of Rhode Island was one of 52 states and territories (“Settling States”) that entered into the Tobacco Master Settlement Agreement (“MSA”) with the major tobacco manufacturers (“Manufacturers”). The Tobacco Enforcement Unit’s primary responsibility is to hold the Manufacturers accountable for strict compliance with the MSA, namely its public health, marketing, and payment provisions. This is done by regularly collaborating with attorneys general throughout the country on compliance and enforcement strategies and tobacco prevention, and working to make laws dealing with tobacco work more effectively.

The Office is charged with enforcing certain provisions of the MSA, including the close monitoring

of the tobacco companies' annual payment to Rhode Island through review of relevant notices and spreadsheets provided to all signatories of the MSA by the Independent Auditor and the National Association of Attorneys General. In accordance with certain other MSA provisions, the Tobacco Enforcement Unit also oversaw manufacturers' certification and worked with the Rhode Island Division of Taxation to diligently enforce the provisions of Rhode Island's Tobacco Product Manufacturers' Escrow Funds Statute and related legislation.

In 2017, Rhode Island, through the Office of Attorney General, collected over \$82 million from the Manufacturers in accordance with the Manufacturers' MSA payment obligations and the NPM Adjustment Settlement Agreement.

The MSA has given rise to numerous lawsuits and legal issues, for example, the long-standing dispute between the Manufacturers and the Settling States relating to the Non-Participating Manufacturer (NPM) Adjustment Disputes. The MSA requires Manufacturers to make annual payments into an account that is distributed to the Settling States based upon a formula related to each state's respective shares to the Settling States. Many adjustments are included in the calculation of these annual payments, such as the NPM Adjustment. Pursuant to the MSA, each Settling State could avoid a recovery from the Manufacturers if it enacted and "diligently enforced" a qualifying statute by which it compelled the NPMs (tobacco manufacturers who are not parties to the MSA) to make payments into escrow accounts that would approximate the charges required from the settling Manufacturers.

Rhode Island continues to engage in the necessary steps to assert that it has both enacted a qualifying escrow statute and diligently enforced its statute for all years. The 2003 NPM Adjustment Arbitration commenced in 2010, and Rhode Island was a party to that arbitration along with the other Settling States ordered to arbitrate the issue of diligent enforcement. After conducting extensive discovery, the Manufacturers decided not to contest Rhode Island's diligence for 2003, which meant that Rhode Island was not subject to the 2003 NPM Adjustment and would receive its portion of DPA monies related to that Adjustment. While the 2004 NPM Adjustment dispute commenced in late 2015 and remains ongoing as to certain States, Rhode Island and 25 other States and territories settled certain years of NPM Adjustment Disputes under the NPM Adjustment Settlement Agreement. In April 2017, under the terms of the Settlement, the Manufacturers paid the State approximately \$82 million, including \$51 million Rhode Island would not have otherwise received in that payment cycle without the Settlement. Because Rhode Island securitized its MSA payments, Rhode Island's tobacco bondholders ("bondholders") received approximately \$71 million, and Rhode Island received approximately \$11 million. Under the Settlement, the bondholders are expected to additionally receive approximately \$20 million over the next five fiscal years.

CRIMINAL DIVISION

The Attorney General of the State of Rhode Island is charged with the responsibility of prosecuting all felony criminal offenses occurring in the State of Rhode Island, all misdemeanor criminal cases brought by State law enforcement agencies, all misdemeanor cases appealed to the Superior Court, and all violations of probation or bail, including violations of misdemeanor probation. In cases of misdemeanor violations of probation, where the new charge is a misdemeanor, the Office is also charged with the responsibility of prosecuting the misdemeanor case.

The Criminal Division is comprised of 149.1 staff members, consisting of prosecutors, investigators, victim advocates, paralegals, secretaries and clerical staff, as well as victim advocates. These individuals work together to assist the Attorney General in fulfilling his Constitutional obligations. Cases are prosecuted by attorneys assigned to the general criminal trial calendar and through specialized units focusing on white-collar crime, narcotics and organized crime, gangs, firearms offenses, child abuse, domestic violence, sexual assault, elder abuse, Medicaid fraud, juvenile offenders and traffic safety. Additionally, through the allocation of an attorney from the Department of Labor and Training, the Criminal Division handles the review and prosecution of Unemployment Insurance Fraud, Workers Compensation Fraud, prevailing wage and payment of wages cases.

The Criminal Division has continued to work closely with local law enforcement, assigning Superior Court prosecutors to act as liaisons to each of the forty-four law enforcement agencies in the State to provide legal assistance, and with our federal partners making joint decisions on which office should assert jurisdiction where there are both viable state and federal charges.

Prosecutors from the Criminal Division are available to law enforcement 24 hours a day, seven days a week to assist in serious matters and complex investigations. During the weekends and holidays, prosecutors rotate coverage to handle the presentation of violations of probation and bail.

Criminal Division prosecutors continued to handle tremendous caseloads throughout the State of Rhode Island at every level of the criminal justice system. In 2017, the Criminal Division filed charges in 5620 misdemeanor and felony cases and disposed of 4592 cases.

Adult Diversion Unit

The Adult Diversion Unit was established in 1976 as an alternative to prosecution for first-time, nonviolent felony offenders. It enables qualifying offenders to accept responsibility and be held accountable for their actions while avoiding the stigma of a criminal record. The program offers the opportunity for the offender to earn the dismissal of criminal charge(s) by participating in drug treatment and mental health programs, providing community service at nonprofit agencies, and paying restitution to the victims of these crimes.

In 2017, the Unit handled 511 referrals, accepted 180 cases, and completed 158 cases. A significant accomplishment last year included \$106,659 in restitution ordered to be distributed to victims. The Adult Diversion Unit arranged 3,640 hours of community service at statewide non-profit agencies for a total value of more than \$34,944, and also arranged 117 counseling programs for participants with substance abuse problems, mental health issues, and gambling addiction.

According to a recidivism report, 93 percent of the individuals who successfully complete the Adult Diversion program go on to lead arrest-free lifestyles, confirming the necessity of the

program and the impact it has on first-time felony offenders by the development of participant-specific programs geared toward the root cause of the offense, thereby avoiding recidivism on the part of the participant.

The Adult Diversion program is participant-specific, and may also address educational needs on behalf of the participant. Depending on a participant's need, they are referred to community agencies who can offer specific services at little or no cost, giving them the tools they need to succeed.

Adult Drug Court

The Office of Attorney General participates in the Rhode Island Superior Court's Adult Drug Court Program (Drug Court).

The Drug Court uses a team approach by combining professionals in the criminal justice system with the knowledge of the substance abuse treatment community to establish a closely monitored, individualized treatment plan for a nonviolent defendant struggling with addiction. The Drug Court holds the individual responsible for his/her past actions and accountable for future decisions. Since its inception, the Drug Court has been able to provide a mechanism for non-violent felony offenders who suffer from addiction to seek the appropriate level of substance abuse counseling and ultimately adapt to a sober and healthy lifestyle.

The goal of the Drug Court is to integrate substance abuse treatment with the criminal justice system and divert nonviolent defendants from the traditional criminal court process to a forum where a therapeutic program is offered to assist the individual to modify behavior, improve their quality of life, and reduce recidivism. Combining substance abuse treatment and other support services with close supervision by the Court holds the defendant accountable and gives them an honest chance to succeed.

Once a defendant is referred to the Drug Court, an assessment is conducted; the defendant is referred to a substance abuse treatment provider, who develops an individual treatment plan. The Drug Court is in constant contact with the treatment provider throughout the defendant's participation in the Drug Court to ensure they are staying on course with the treatment plan. During the course of treatment and involvement with the Court, participants are subject to random weekly drug screens and are closely monitored through case reviews. If all requirements and expectations are met after 12 months of review, participants are provided the opportunity to have charges dismissed and corresponding court records sealed and expunged.

In 2017, the Adult Drug Court had 164 active participants, 82 admissions, 78 graduates, 15 terminations, and one death. Of the 164 participants, 29 have experienced a prior overdose.

Appellate Unit

The Appellate Unit is charged with representing the State in all criminal matters before the Rhode Island Supreme Court, defending the State on post-conviction relief actions in state courts, as well as habeas corpus actions in federal court, and assisting prosecutors with legal research and analysis on a broad array of issues. In carrying out these responsibilities, the members of the Unit work with great diligence and passion to persuade members of the Rhode Island Supreme Court and the members of the federal judiciary of the correctness of the State's causes. Unit attorneys work equally hard in assisting trial prosecutors with legal issues as they arise during

the course of pre-trial and trial litigation, and assisting other attorneys in research and analysis on a variety of questions of concern.

In 2017, the Unit filed with the Rhode Island Supreme Court 23 pre-briefing statements, of which 11 were with respect to a criminal judgment of conviction; two with respect to a Superior Court adjudication of a probation violation; seven with respect to an action in the Superior Court for post-conviction relief; and three with respect to sentencing and other Superior Court determination. The Unit further submitted to the Rhode Island Supreme Court 23 full briefs including 18 in appeals from a judgment of conviction, four in appeals from the denial of post-conviction relief, and one on appeal from the Superior Court's denial of a motion to dismiss a criminal information

The Unit additionally filed 20 responsive memoranda with the Rhode Island Supreme Court, usually involving defendants' requests for habeas corpus relief or for the granting of a petition for writ of certiorari. As well, the Unit litigated in the federal district court for the District of Rhode Island six federal habeas corpus actions, actions challenging the federal constitutional lawfulness of a criminal defendant's Rhode Island judgment of conviction. With respect to the Unit's appellate prosecution in Calendar Year 2017, the Unit offensively prosecuted three State's appeals, challenging, in the Rhode Island Supreme Court, an adverse Superior Court determination.

With respect to the Unit's appellate prosecution, the Unit offensively prosecuted four State appeals, in the Rhode Island Supreme Court, challenging an adverse Superior Court determination. In 2017, the Appellate Unit disposed of 25 post-conviction relief actions in the Superior Court.

The Appellate Unit was very effective in its advocacy this past year with an overall success rate before the Rhode Island Supreme Court above 90 percent. The Rhode Island Supreme Court affirmed 27 of the 29 criminal defendant-challenged Superior Court judgments. In addition, the Unit successfully defended against all federal cases brought by state prisons, and was successful in defending against requests for defendant-requested certiorari and issuance of habeas corpus writs.

Child Abuse Unit

The Child Abuse Unit (CAU) was established in December 2011 with the primary responsibility to prosecute sexual and physical abuse cases committed against our most vulnerable population - children. Specifically, this Unit oversees the investigation and prosecution of all Providence County first and second degree child molestation cases and first and second degree child abuse cases and consults on all County child abuse and child molestation cases.

The overall goals of the CAU are for specially trained and experienced prosecutors to handle cases from investigation through arrest and final prosecution in child sexual abuse and serious physical abuse cases, to minimize the time cases move through the criminal justice system, and to minimize the difficulty for a child involved in the criminal justice process. Members of CAU attend local trainings and trainings around the country to ensure they are apprised of the latest medical studies, techniques, and possible defenses to child abuse and molestation cases.

The CAU uses a multidisciplinary approach to prosecuting child physical and sexual abuse cases. This includes working closely with Day One, the Child Protection Program (CPP) at Hasbro Children's Hospital, the Rhode Island Department of Children, Youth and Families (DCYF), and

state and local police departments.

To this end, at least one member of the CAU attends weekly meetings at the CPP at which the team of doctors, social workers from DCYF, local police departments, and prosecutors discuss new cases and follow up on old cases to ensure child safety, and if applicable, make sure the perpetrators of those crimes are held accountable. The cases discussed at these meetings are not only those which lead to criminal prosecution, but also those in which the children may need counseling and/or DCYF intervention to ensure their safety and wellbeing.

One of the major responsibilities of the CAU is to represent the Office of Attorney General in upholding Sex Offender Board of Review decisions regarding the leveling of registered sex offenders living in the State. Most of these offenders are convicted child molesters who are appealing their Level Two or Level Three risk assessments made by the Board. Once an appeal is filed by an offender, a prosecutor from the CAU files a motion to affirm the Board's decision with the Rhode Island Superior Court. Last year, 35 new appeals were filed with an additional 36 matters pending from the previous year. Of the 39 appeals that were heard, 28 level decisions were affirmed, zero were reversed, one was withdrawn, and seven were defaulted. As of December 31, 2017, there were 32 appeals pending.

District Court Unit (Providence County)

The District Court Unit in Providence County prosecutes a multitude of criminal matters brought forward in the 6th Division District Court and the Rhode Island Traffic Tribunal. Each day, District Court Unit prosecutors are responsible for conducting bail hearings on capital cases and enumerated drug delivery offenses, hearings to which any defendant who is held without bail is entitled (according to the Rhode Island General Laws and Article 1 Section 9 of the Rhode Island Constitution).

The District Court Unit prosecutes pretrial and trial matters brought by various state law enforcement agencies throughout Rhode Island, primarily the Rhode Island State Police. In addition, Unit prosecutors handle all criminal cases referred by the state Contractors' Registration and Licensing Board, the Department of Environmental Management, and the Department of Labor and Training.

Unit prosecutors also regularly handle cases against defendants accused of violating the terms and conditions of either their bail on an existing case or of a pending sentence of probation or suspended time. Additionally, Unit prosecutors handle motions to expunge, motions to reduce and/or modify bail and bail conditions, motions to vacate no-contact orders, applications for post-conviction relief, and waivers of information for certain felony offenses on a daily basis.

The Office of Attorney General has exclusive authority to prosecute every charge of breathalyzer refusal brought under R.I.G.L. §31-27-2.1. Such cases are tried before the Rhode Island Traffic Tribunal.

In 2017, the Providence County District Court Unit attorneys handled a total of 3,743 matters before the 6th Division District Court in Providence and the Rhode Island Traffic Tribunal.

Specifically, the Unit handled 298 bail hearings, 1,207 probation and bail violation hearings, 381 stand-alone misdemeanor prosecutions, 169 fugitive from justice complaints, 42 competency evaluation hearings, 13 cases referred from the Contractors' Registration and Licensing Board, and seven post-conviction remedy applications. In addition, the Unit handled a total of 1,626

cases before the Rhode Island Traffic Tribunal, including 1,212 plea dispositions and 24 trials, with 390 matters dismissed as a result of plea agreement or other causes.

Domestic Violence and Sexual Assault Unit

In 2017, the Domestic Violence/Sexual Assault Unit (DV/SA Unit) of the Department of Attorney General continued its efforts to address crimes of violence committed among family and household members throughout the State of Rhode Island. The unit worked to achieve its primary goals of ensuring victim safety and holding offenders accountable. In addition to handling felony trials and misdemeanor appeals in Superior Court, DV/SA prosecutors handle bail hearings, violation hearings and motions to reduce or set bail. Unit prosecutors also regularly argue against motions to vacate no contact orders (NCOs) against offenders.

DV/SA prosecutors attend and conduct trainings of law enforcement, victim advocates and medical professionals who work with victims of domestic violence. Additionally, they conduct training sessions for law enforcement officers at local police departments and police academies as well as city and town solicitors statewide. Prosecutors from the DV/SA unit conducted five trainings for recruits at the Rhode Island Municipal and Providence Police Academies. The trainings touched on hate crimes, civil rights, officer's use of force and animal abuse cases. In all of those trainings, prosecutors educated future police officers about what evidence juries expect in such cases.

The DV/SA victim advocate also presented a training to law enforcement advocates from police departments around the state. The focus of the training was an explanation of the role of the victim advocate in criminal court proceedings.

Continued training on legal and social issues in the fields of domestic violence and sexual assault is also critical for prosecutors. One prosecutor spent a week at a training in Italy learning prosecution techniques from courts around the world. Additionally, a unit prosecutor and victim advocate attended four days of training in Dallas, Texas on crimes against women. Issues covered at that training included prosecuting sex trafficking, cybercrime and sexual assault cases. Unit staff also attended local trainings on improving our use of technology in the courtroom.

Every day, DV/SA Unit attorneys and victim advocates work closely with police departments assisting in the investigation of major crimes especially murders and sexual assaults. By visiting the scenes of some of the most serious crimes, prosecutors familiarize themselves with the crime scene and are better able to analyze all facets of the case. Additionally, by being present at the scene, it allows the police to direct the attorneys to the significance of certain pieces of evidence and likewise prosecutors can request that certain evidence be obtained or preserved. The close relationship between prosecutors and police results in better cases and better results in court.

Having worked in conjunction with various advocacy groups and local members of law enforcement to apply for and secure monies made available through the federally funded grants, the DV/SA Unit was able to enhance its efforts in the fight against violent crimes against women by providing additional training for the members of its unit as well as developing an updated database that will allow the unit to better track repeat offenders and hold them accountable. The DV/SA Unit continues to work with these partners to receive federal funding through the Violence Against Women Act.

Prosecutors from the DV/SA Unit also continue to participate in a number of boards and

committees. Members of the unit attend and serve on regular meetings of the Rhode Island Bar Association's Criminal Law Bench/Bar Committee, the Violence Against Women Act Advisory Committee, the Sex Trafficking Task Force, the Law Enforcement Task Force, and the Batterers Intervention Program Standards Committee.

With the rise in sex trafficking in Rhode Island, prosecutors in the DV/SA continue to prosecute these cases in state as well as federal courts. Unit prosecutors are cross-designated with the Office of the United States Attorney and conduct joint investigations and prosecutions on these most heinous crimes. These same prosecutors and others in the Office of Attorney General assisted in developing the recently drafted protocols on sex trafficking. These guidelines assist fellow prosecutors, police, medical personnel and counselors in the proper handling of these sensitive cases.

During 2017, the DV/SA Unit prosecuted more than 500 cases. These cases included a range of serious crimes including domestic murder, sexual assault, sex trafficking, and felony assault.

Elder Abuse Unit

The Office of Elder Justice Advocate, also known as the Elder Abuse Unit, is responsible for investigative management and prosecution of crimes involving elderly victims of abuse, neglect, and financial exploitation.

The Unit was created several years ago in recognition of the fact that the proportion of Rhode Island's population that is 60 years of age and older is dramatically increasing and will continue to do so in the coming years. Coupled with the fact that this age group is the State's fastest growing demographic is that crimes against senior citizens often go unreported, presenting high temptation and low risk factors to potential offenders. The special needs often presented by elder victims and the fact that elder abuse, neglect, and exploitation crosses all racial, socio-economic, gender, and geographic lines made the need for a special unit apparent.

The Unit continued to work with and advise law enforcement agencies across the State in elder abuse investigations, leading to 107 felony criminal cases being opened in the Rhode Island Superior Court last year in addition to 48 investigations and complaints handled by the Elder Abuse Unit. Last year, 68 cases were disposed of, resulting in jail time for many defendants, as well as court-ordered restitution of approximately \$88,000 for senior victims.

The prosecutor and investigator assigned to the Elder Abuse Unit attended multiple webinar trainings hosted by the Department of Justice - Elder Justice Initiative and the National Center on Elder Abuse, and other trainings including, the Gulf Coast Elder Abuse Conference in Slidell, Louisiana, and Making Changes for Healthy Aging at Rhode Island College. In addition, the investigator presented at the Rhode Island Citizens Commission for the Elderly training. The Elder Abuse Unit also participates in the Citizens Commission for the Safety and Care of the Elderly.

Intake Unit (Providence County)

The Providence County Intake Unit is responsible for screening and processing all felony cases to make the determination whether a case should be prosecuted in Superior Court, and if so, on what charges. The responsibilities of the Unit include review of cases for information charging, the presentation of cases to the Grand Jury, the litigation of cases at the pre-arraignment stage,

and other ancillary matters.

In 2017, the Unit reviewed 4,117 cases for information charging, filing charges in Superior Court in 3,593 of the cases. The Unit determined that in 270 of those cases there was insufficient evidence to proceed with charges in Superior Court, 248 defendants were referred to the Diversion program, and six cases were referred to the Grand Jury.

In addition, the Unit reviewed 326 cases for consideration of presentment to the Grand Jury. Of those, the Grand Jury returned 189 true bills and 10 no true bills. In 63 cases, the Unit declined to present the case to the Grand Jury, 20 cases were referred to felony screening for information charging, and 54 defendants waived the right to have the case presented to a Grand Jury and pleaded out to charges.

The Providence County Intake Unit also manages the pre-arraignment calendar, or PAC as it's known, where cases may be resolved prior to arraignment. Last year, 694 cases were resolved at the PAC, representing almost 41.5 percent of all cases scheduled and conferenced.

Juvenile Prosecution Unit

The Juvenile Prosecution Unit prosecutes all juveniles charged with offenses which would be punishable as felonies if committed by an adult. In addition, the Unit also prosecutes all juveniles who are charged with misdemeanors by the Rhode Island State Police, State Fire Marshall, and the Department of Environmental Management. The Unit is also responsible for the prosecution of all juveniles who are charged with violations of probation.

This past year proved to be another busy year for the Juvenile Prosecution Unit. The Unit received 1,512 new petitions charging juveniles with criminal offenses. This represents 964 new delinquency or felony charges and 288 wayward or misdemeanor charges, as well as 260 violations of probation and court orders.

The Unit also handles the prosecution of adults who commit child neglect. In 2017, the Unit screened a record 50 child neglect cases, of which 36 individuals were charged with neglect, four individuals were charged with other offenses in Superior Court, and 10 were not charged.

Rhode Island General Law allows the Office of Attorney General to seek to waive a juvenile out of the Family Court system to be tried as an adult in Superior Court. In 2017, the Juvenile Unit filed seven mandatory waiver motions, seven discretionary waiver motions, and six certification motions. Of the seven discretionary waiver motions, two juveniles voluntarily waived their cases to Superior Court, two were alternatively disposed via certification, and one was alternatively disposed via admission of sufficient facts, with two waiver motions pending before the Court as of December 31, 2017.

In 2017, the Unit prosecuted nine juveniles for school violence cases, not including the wayward offenses handled by municipalities.

Last year, the Unit prosecuted 25 juveniles in Family Court for firearm cases. These included BB guns, handguns, and pistols.

The Unit participates in the Juvenile Drug Court, which aggressively addresses substance abuse and associative behaviors, that, if not addressed, could lead to further contact with the courts. Last year, 102 juveniles were admitted to the Juvenile Drug Court and eight were admitted to the post adjudication track of the program. Of those juveniles admitted to the Drug Court, 57

graduated while 25 juveniles were discharged, with 58 cases remaining active as of December 31, 2017.

The Juvenile Prosecution Unit is also responsible for covering cases heard in the Re-Entry Court, which is a specialized court that monitors and reviews juveniles recently released from the Rhode Island Training School.

Since the program was implemented in 2012, electronic monitoring of juveniles has become a detention alternative in Rhode Island. According to the Department of Children, Youth and Families, 191 juveniles were placed on electronic monitoring or home confinement in 2017.

In addition to prosecuting cases, members of the Juvenile Unit work within the community to educate students and the public about juvenile laws and prosecution of juveniles. The staff also serves on several committees and task forces pertaining to juvenile and child abuse cases, including the Rhode Island Sex Offender Registration and Notification Task Force, the Rhode Island Council for Interstate Compact for Juveniles, Hasbro Children's Hospital Child Protection Program, the Child Advocacy Center at Day One, and the SOLEMN Task Force, among several others.

In addition to the prosecutors, paralegals and support staff, the Juvenile Unit is assigned a victim witness assistant responsible for corresponding with juvenile clients who have been the victim of juvenile offenders, as well as victims of adult offenders charged with child neglect. This staff member also assists prosecutors with interviews of juvenile victims and witnesses, attends Family Court hearings, and coordinates with the Rhode Island Juvenile Probation Office on issues of victim restitution. In addition, this staff member serves as part of the child advocacy team attending bi-weekly meetings at Day One, where cases of molestation and sexual assault are reviewed for potential criminal prosecution.

In response to local high schools to speak to students on the issue of sexting and cyber bullying, the Office of Attorney General offers a frank and honest presentation on the legal and social consequences of sexting, sharing intimate photos or videos via social media and cell phones, and cyber bullying. Given by prosecutors from the Juvenile Prosecution Unit, the presentation gives young people real life scenarios of what can happen if they send or distribute intimate photos. The prosecutors also discuss the social and emotional costs of such actions.

Kent County Office

The Kent County Office is located within the Philip Noel Judicial Complex in Warwick. The second-largest office in terms of size and staffing, the Kent County Office is comprised of seven attorneys, seven support staff, and a victim witness liaison.

The scope of the duties of the Kent County Office include, but are not limited to, all bail violation hearings, probation violation hearings, pre-trial conferences, various pre-trial motions, and ultimately trial for all felony matters brought before the Court, as well as misdemeanor prosecutions charged by the Rhode Island State Police, the Rhode Island Department of Environmental Management, and other state agencies.

Last year, this prosecutor reviewed approximately 1,400 cases that were referred for felony screening in the counties. In Kent County, there were 776 cases filed in the Superior Court in 2017, including nearly 600 cases charged by information, 57 misdemeanor appeals, and 139 criminal waivers. In addition, 138 "no informations" were signed.

In 2017, the Kent County Office disposed of 718 felony cases, of which 85.3 percent were disposed of by way of plea agreement or trial. In the past year, prosecutors tried 13 jury trials in Kent County Superior Court. Only 88 cases, or 12.3 percent, were dismissed by the Court on legal grounds. In addition, the Kent County Office handled 581 probation violators, as well as a myriad of miscellaneous matters, including grand jury presentations, post-conviction relief applications, motions for expungement, and miscellaneous petitions that are scheduled on the daily criminal calendar.

In addition to these matters in Superior Court, the Kent County Office also handles all matters in the 3rd Division District Court in which state law enforcement agencies bring forth charges, as well as all probation violation and bail hearings that come before that court. In 2017, Kent County prosecutors handled 1,334 matters in the District Court, including approximately 600 probation and bail violations, 94 bail hearings, and nearly 600 misdemeanor case filings. These statistics do not include the hundreds of miscellaneous motions to expunge criminal records in the district court.

The Kent County Court also houses the Alternatives to Sentencing and Trauma Recovery in Rhode Island and the Kent County Adult Drug Court.

The Alternative to Sentencing and Trauma Recovery in Rhode Island – Focus on Veterans is a jail diversion program that was piloted in the Kent County District Court. Commonly referred to as the “Veterans Court,” the program is designed to direct defendants who have experienced military trauma resulting in related disorders into a court program which integrates a support and treatment plan into the judicial process.

Veterans Court provides treatment options that result in potential jail diversion, possible reduction of charges, or other alternatives in sentencing. It is designed to divert veterans whose military-related trauma has led them to troubles with law away from incarceration and, where appropriate, into rehabilitative alternatives.

During the calendar year, more than 117 referrals were made to the program, with approximately 66 cases accepted. Last year also saw 56 cases successfully completed with the remaining cases active in the program. Since the inception of the program, 310 veterans have “graduated” from the Veterans Court Program.

The Kent County Adult Drug Court uses a team approach by combining professionals in the criminal justice system with the knowledge of the substance abuse treatment community to establish a closely monitored, individualized treatment plan for a nonviolent defendant struggling with addiction. The Drug Court holds the individual responsible for his/her past actions and accountable for future decisions. Since its inception, the Drug Court has been able to provide a mechanism for non-violent felony offenders that suffer from addiction to seek the appropriate level of substance abuse counseling and ultimately adapt to a sober and healthy lifestyle.

The Superior Court Termination of Probation calendar was created by court rule in the fall of 2016 as part of the “Justice Reinvestment Program.” The calendar sits monthly in Kent County to review the status of “unsupervised probationers.” If probationers have had no issues of over three years, they are eligible to have their probation terminated. Last year, 166 probationers appeared on the calendar to have their matters heard.

Medicaid Fraud & Patient Abuse Unit

The Medicaid Fraud Control and Patient Abuse Unit (MFCU) enforces the laws pertaining to fraud in the state/federal Medicaid program and prosecutes cases of abuse, neglect, or mistreatment of patients in all state healthcare facilities. The Unit prosecutes criminal activity, pursues civil remedies where appropriate, and participates with federal and state authorities in a variety of inter-agency investigations and administrative proceedings. Unit prosecutors, auditors, investigators, and health care professionals employ a multi-disciplinary approach to combat health care fraud and patient abuse.

In 2017, the Unit recovered \$30,971 in restitution from medical assistance fraud investigations and prosecutions, \$3,135,797 in signed global qui tam settlement agreements, and \$1,719,666 in civil settlements. In total, the Unit recovered \$4,886,434 for the State's Medicaid budget for the 2017 calendar year.

While the MFCU is the one unit within the Office that does have investigative powers, it relies heavily on other state agencies, law enforcement, and providers – those who have direct and daily contact with individuals and businesses who benefit from the Medicaid program – to forward possible instances of Medicaid fraud and patient abuse for the Unit to investigate. The Program Integrity Unit of the Rhode Island Executive Office of Health and Human Services is the agency primarily charged with referring fraud cases to the MFCU. Computer analytics and data mining are used to uncover fraud in the Medical Assistance Program. A recent change in federal law has now enabled MFCUs nationwide to seek a “waiver” of the federal regulation which prohibits MFCUs to engage in data mining. The State of Rhode Island Attorney General's MFCU sought such a waiver which was granted in December of 2015. The MFCU is now in the process of preparing a request for proposals to select a vendor to conduct such data mining activities. The activity is also funded by the federal government at the rate of 75 percent.

Recognizing the home healthcare industry to be a major source of abuse nationwide, the Unit has taken steps to stem the tide of fraud in Rhode Island. The Unit conducts several trainings for fiscal intermediary agencies involved in administering personal care attendant services and works with the Executive Office of Health and Human Services as to how to detect fraud.

Patient abuse and neglect are also a major focus of the MFCU investigations. The Office continues its efforts to find ways to make the reporting of such incidents easier and familiar with those people in the position of enduring or witnessing such unfortunate occurrences.

Narcotics & Organized Crime Unit

In 2017, the Narcotics and Organized Crime Unit (NOCU) continued in its three primary areas of responsibility: to investigate, manage, and prosecute all criminal cases involving narcotics, traditional organized crime, and criminal street gangs, as well as handling all aspects of asset forfeiture and representing the State of Rhode Island in the Providence County Adult Drug Court. In 2017, the Unit opened 756 new cases and closed 1,083 cases.

In a continuing trend in 2017, federal, state, and local law enforcement agencies led joint investigations into narcotics traffickers and violent offenders, bringing several multiple-defendant cases to the Office to prosecute. The investigation and prosecution of these cases helped to dismantle drug organizations and rid several communities of pervasive narcotics-related crimes.

In the area of narcotics prosecution, the members of the Unit are responsible for representing the State in a variety of court proceedings, including trials, pre-trial conferences, violation hearings, and bail hearings. Unit prosecutors also are responsible for drafting and editing documents related to the electronic surveillance of targeted offenders, the management and oversight of electronic surveillance investigations, providing legal advice and assistance to police departments, working with law enforcement on investigating narcotics-related activity, and presenting narcotics-related investigations to county and statewide grand juries.

In addition to prosecuting all organized crime-related cases before trial juries, the Unit works closely with the police in providing document support and case management on electronic surveillance cases and developing cooperating witnesses and confidential informants.

Due to the close relationship between the prosecution of narcotics-related offenses and the use of firearms, the Unit is responsible for prosecuting most of the cases on the Providence Superior Court's Gun Calendar. Additionally, a member of the Unit is responsible for the coordination of firearms prosecution between state and federal authorities, communicating on a daily basis with the U.S. Attorney's Office to review all firearms cases and to determine which jurisdiction is most appropriate to bring charges. In 2017, the Office charged 260 firearms-related offenses while disposing of 260 firearms-related cases.

NOCU continued to represent the State before the Providence Superior Court's Adult Drug Court, a special court that handles cases involving offenders who are addicted to drugs. The court seeks to help such offenders through an extensive supervision and treatment program. In 2017, the Adult Drug Court saw 82 admissions, 78 graduates, 15 terminations, and one death. Of significance, the Adult Drug Court had 164 participants as of December 31, 2017.

NOCU is also responsible for processing all narcotics, gambling, and racketeering-related asset forfeitures. Proceeds from the sale of forfeited assets represent an important source of ongoing drug and crime suppression efforts of state and local police. In 2017, the Unit opened 272 new forfeiture cases and disposed of 243 cases. In total, the Unit seized \$1,727,149 in cash and property and processed \$1,267,406 in total cash and property forfeited.

Under Rhode Island General Law, assets obtained through illegal drug operations are forfeited and distributed among state and local police, the Office of Attorney General, and the Department of Behavioral Healthcare, Developmental Disabilities & Hospitals (BHDDH).

As prescribed by statute, 20 percent of seized proceeds shall be provided to the Office of Attorney General to be used for further drug-related investigations and prosecutions, 70 percent is divided among the state and local police departments proportionately based upon their contribution to the investigation, and 10 percent provided to BHDDH to support substance abuse treatment programs.

Last year, \$546,406 in "cash" was distributed to the Rhode Island State Police and local police departments, \$64,592 to BHDDH, and \$152,737 to the Office of Attorney General. Another \$478,406 worth of forfeited property was distributed to state and local law enforcement agencies for use or auction.

In the midst of the heroin, fentanyl and prescription opiate overdose epidemic, the NOCU came across new forms of opiates in the hands of drug traffickers and those suffering from substance abuse, primarily fentanyl analogs and synthetic opioids. Under the leadership of Attorney General Kilmartin, the NOCU moved to close any loopholes for drug dealers peddling such deadly

substances. The NOCU and the Legislative and Policy Unit worked with the Department of Health to have the drugs scheduled as controlled substances in Rhode Island.

The NOCU currently serves as part of a working group with the Department of Health to timely schedule new substances as they are found on the streets or in possession of those battling addiction.

Newport County Office

Located in the historic Florence K. Murray Judicial Complex in downtown Newport, the Newport County Office is comprised of two prosecutors, one out-of-county screening prosecutor, two support staff, and one victim/witness liaison who splits time with the Washington County Office. The Office is responsible for all county-wide felony prosecutions from the following police departments: Newport, Jamestown, Portsmouth, Middletown, Tiverton, Little Compton, Rhode Island State Police (Wickford and Portsmouth barracks), and the Rhode Island Department of Environmental Management.

In 2017, the Newport County Office disposed of more than 312 criminal cases in Superior Court, of which nolo contendere pleas accounted for 257 of those dispositions and four cases were disposed of through guilty pleas. Last year, one case resulted in a not guilty verdict after trial, 49 cases were dismissed, and 42 were adjudicated through waiver of criminal information. The Office also handled 156 violations of probation and bail, and nine cases that were misdemeanor appeals from District Court.

Last year, 376 felony cases were submitted to the Newport County Office for information charging. Of those, and in addition to the cases carried over from 2016 that were pending at the start of the calendar year, 258 felony cases were charged by way of information charging, 63 cases were deemed “no informations,” 15 cases were remanded to District Court, and 42 cases were resolved by waiver of criminal information.

In 2017, one case was presented to the Newport County and Statewide Grand Juries, resulting in a true bill.

The Newport County Office handled 367 substantive matters before District Court, including 213 violations of probation or bail, seven bail hearings, nine trials, 35 bail reviews, 26 second-offense chemical refusal tests, six fugitive from justice matters, and 26 miscellaneous motions, and disposed of 22 misdemeanors charged by the Rhode Island State Police or the Rhode Island Department of Environmental Management. In total, the Newport County Office disposed of 274 cases in District Court.

Traffic Safety Resource Prosecutor

Federally funded, the Traffic Safety Resource Prosecutor (TSRP) oversees the prosecution of all alcohol-related driving accidents, conducts law enforcement training, and performs community outreach for motor vehicle safety issues, including underage drinking and texting while driving. The TSRP also assists the Rhode Island Department of Transportation with highway safety public policy and education initiatives.

The TSRP is involved in all stages of the prosecution of motor vehicle crash cases, with the goal to have early involvement and provide assistance to law enforcement at the time of the crash. In

this capacity, the Office of Attorney General provides a great resource for police departments in their initial decision-making process and in obtaining warrants for evidence in criminal cases. If the offense rises to the level of criminal negligence, the TRSP prosecutes the cases for the Office of Attorney General. In 2017, the TRSP reviewed 62 cases for the purposes of screening felony motor vehicle offenses, the majority of which resulted in criminal prosecution.

In addition, the TRSP will review any fatal crash at the request of law enforcement to determine whether the conduct of an operator rose to the level of criminal recklessness. Last year, the Office charged 164 individuals with serious motor vehicle crimes, including DUI Death Resulting, DUI Serious Bodily Injury, Leaving the Scene of an Accident with Death or Serious Bodily Injury, Driving to Endanger Death Resulting, DUI 3rd Offense within five years, and others. In addition, the Office disposed of 117 cases in which defendants were charged with serious motor vehicle offenses.

The TRSP in 2017 joined members of law enforcement for the deployment of the B.A.T. Mobile - a custom built vehicle that houses breath test instruments, holding cells, report writing stations and Live Scan fingerprinting - for a multi-jurisdictional DUI detail, acting as a legal resource for officers working the detail in the field on one occasion and on other single-jurisdiction deployments this year.

In addition to providing support to law enforcement in the investigative stage of cases, the TRSP also provides guidance to prosecutors both inside and outside the Office of Attorney General in traffic case prosecutions.

Last year, the TRSP presented 13 separate law enforcement trainings which approximately 423 officers attended. These trainings focused on impaired driving, search and seizure, and testifying in motor vehicle cases.

The Office of Attorney General partners with numerous agencies and commissions across the State that share the common objective of reducing motor vehicle fatalities. Last year, the Office participated in Operation Blue RIPTIDE, a statewide DUI Task Force consisting of police departments from every city and town in Rhode Island and the Rhode Island State Police, who combine resources to target DUIs during the busiest and most dangerous times of the year.

In addition, the Office of Attorney General partnered with AAA Northeast in a campaign to bring awareness to impaired driving as part of National Impaired Driving Prevention Month, an important time to raise awareness about the dangers of impaired driving and to offer solutions to help reduce impaired driving on our roadways.

The campaign utilized the social media channels of Attorney General Kilmartin and AAA Northeast, and encouraged law enforcement and other highway safety organizations to participate and engage their social media followers in a conversation about the dangers of impaired driving, remind the public on how to report suspected impaired drivers, and offer alternatives to driving impaired.

The TRSP also actively participated in the Attorney General's "It Can Wait" distracted driving public awareness campaign. Since the program's launch in 2012, the Attorney General and partners have made more than 85 school visits to speak with young drivers on the deadly consequences of distracted driving.

The TRSP program came to an end as of September 30, 2017. The Providence County District Court Unit Chief continues to maintain responsibility for traffic matters.

Victim Services Unit

The Victim Services Unit provides an array of services to felony crime victims and their families. Advocates are assigned to victims and their families to provide guidance and support through the criminal justice process – informing them of their rights, notifying them of the status of the offender’s case, providing personal assistance at court appearances, and helping them better understand and participate in the legal process. In addition, the Unit provides referrals to other victim-service provider agencies and support groups that can further assist victims with financial, legal, medical, and emotional problems resulting from the crime. Unit advocates also assist prosecutors with all victim-related matters.

In performing these services, the staff works closely with highly-traumatized victims and families in homicide, driving death, child molestation, sexual assault, human trafficking, and domestic violence cases as well as other felony cases – answering questions, overcoming fears, explaining court procedures, notifying victims of the status of the offender’s case, sharing concerns, addressing safety issues, assessing overall needs, and accompanying victims to court proceedings.

Advocates are assigned to assist victims and their families through the various stages of the criminal justice process – bail hearing, pre-arraignment/arraignment, violation hearing, grand jury, pretrial, trial, appellate, and post-conviction process. The Unit also collaborates with other agencies – Rhode Island Department of Probation and Parole, RI Parole Board, Superior Court Restitution Unit, and Rhode Island Department of Corrections Office of Victim Services – in an effort to provide a seamless transition for victims at the conclusion of the Superior Court process.

In order to facilitate the restitution process for victims, the Unit collaborated with the Rhode Island Department of Probation and the Superior Court Restitution Unit by providing victim contact information in approximately 435 cases last year. In addition, the Unit provided victim contact information to the Rhode Island Parole Board in order to facilitate notification of parole board hearings to victims in more than 182 cases.

Advocates are assigned to work with victims whose cases are handled by prosecutors in specialized units --Domestic Violence Sexual Assault and Child Abuse Units. An advocate is also assigned to work specifically on all homicide and gun court cases. The homicide advocate specializes in providing critical support to families of homicide victims. The advocate works closely with prosecutors to establish contact with family members of homicide victims within 24 hours to ensure that survivors receive critical services in the wake of violent death. The homicide advocate is on call 24 hours-a-day as a liaison between victims’ families, law enforcement, and prosecution.

The team provides services to Spanish-speaking victims in their native language with forms, brochures, and letters, and also provides outreach to area schools, senior centers, and community centers. Of the nine victim advocates assigned to the Unit, four are fluent in Spanish and one is fluent in Laos.

In 2017, the Victim Services Unit handled approximately 5,200 cases and generated more than 48,000 status notices to victims. In providing personal support, advocates accompanied victims to more than 2,200 court proceedings – including bail hearings, violation hearings, pretrial conferences, trials, Supreme Court arguments, and interviews with prosecutors. More than 3,000 referrals were made to other agencies for further assistance, and more than 3,000 email and telephone contacts were made on victim-related matters. Also, the Unit provided 75 letters of notification to victims relating to the Rhode Island Supreme Court appeal process and matters

on for post-conviction relief.

In the summer of 2017, the Unit provided instruction on “Victim Services in the Criminal Justice System” as part of the curriculum for the Rhode Island State Victim Assistance Academy at Roger Williams University. All Victim Services Team advocates have successfully completed the Victim Assistance Academy. Victim Services team members also continued to receive specialized training on issues related to domestic violence, child molestation/sexual assault, child pornography, elder abuse, human trafficking, victims with disabilities, and mainstreaming services to LGBTQ in an effort to better serve Rhode Island’s diverse victim populations.

In the fall of 2017, the Victim Services Unit presented at the “Beloved Community Summit” sponsored by the Institute for the Study and Practice of Nonviolence.

The Unit Director continues to serve as chairperson for the Crime Victim Service Provider’s Steering Committee, which plans and sponsors events for National Victim’s Rights Awareness Week including the annual Victim’s Grove Ceremony. In addition, she is part of the Steering Committee for the Victim Assistance Academy. The Unit Director continues to partner with the Rhode Island Victim Compensation Program, the Rhode Island Coalition Against Domestic Violence, Day One, the Victim Support Center/Institute for Study and Practice of Nonviolence and Family Service of Rhode Island along with other state and local victim service provider agencies in order to continue to develop best practices in Rhode Island.

In 2017, the advocate assigned to the Domestic Violence Sexual Assault Unit participated in the State’s Critical Case Review Team and the advocate assigned to the Family Court Unit participated in the Child Advocacy Center/Multi-Disciplinary Team.

Washington County Office

Located within the J. Howard McGrath Judicial Complex in Wakefield, the Washington County Office is comprised of three prosecutors, one out-of-county screening prosecutor, two support staff, and one victim/witness liaison who splits time with the Newport County Office. The Office is responsible for all countywide felony prosecutions from the following police departments: North Kingstown, South Kingstown, Narragansett, Charlestown, Richmond, Hopkinton, Westerly, New Shoreham, University of Rhode Island, the Department of Environmental Management, and Rhode Island State Police cases originating from the Wickford and Hope Valley Barracks.

Last year was a productive one in Washington County with approximately 350 cases “screened” in Superior Court with 351 pending cases being disposed. An additional 206 violations were filed in Superior Court.

In District Court, 223 cases were closed out as dispositions. Additionally, 101 defendants were presented as probation or bail violators.

An essential element in the smooth and efficient operation of a county office is the ability to effectively waive criminal informations, thus reducing the amount of cases submitted to screening and added to the criminal calendar. In 2017, prosecutors were able to waive 77 cases from the District Court to dispositions in the Superior Court. Five cases went to trial, of which two were jury trials and three were jury-waived trials.

The Office continues to focus on efficiently moving all capital offenses and investigations through

the grand jury. In 2017, two cases were presented to the Washington County Grand Jury resulting in one true bill and one no true bill.

White Collar Crime and Public Corruption Unit

The White Collar Crime and Public Corruption Unit is charged with the responsibility of prosecuting any crime that can be committed with a pen, balance sheet, or computer instead of a mask, gun, or knife. In other words, the Unit targets crimes of sophistication, deception, and ingenuity rather than those of fear, violence, or intimidation.

In short, white collar crime involves lying, cheating, and stealing. With the development of the Internet, and conversion to electronic data collection, interstate and global transactions, theft can target and greatly affect businesses and citizens of the State of Rhode Island from anywhere in the country or world.

Many of these crimes involve very sophisticated schemes using electronic technology, but many still are very “low tech” in diverting monies and covering the activity by making fraudulent data entries, or not reporting received monies.

In 2017, the Unit disposed of 122 cases that resulted in \$144,553 in court-ordered restitution to victims.

The Office of Attorney General is assigned a prosecutor devoted exclusively to prosecuting fraud cases referred by the Rhode Island Department of Labor and Training (RI-DLT) involving unemployment insurance benefits fraud, workers’ compensation fraud, prevailing wage violations, and labor standards violations. The prosecutor in this position is solely responsible for screening, charging, prosecuting, tracking, and reporting case results to RI-DLT and the Office of Attorney General.

During 2017, the Office of Attorney General successfully prosecuted 49 individuals who committed unemployment benefit fraud and secured \$649,218 in court-ordered restitution.

APPENDIX OF SIGNIFICANT CIVIL AND CRIMINAL CASES

Civil Division

By law, the Attorney General represents the State, its agencies, and employees in the Rhode Island Supreme Court and all lower state courts; institutes actions in state and federal courts whenever warranted; ensures that representation is provided to state officers, employees and agencies in all courts; advises state officers and agencies on legal issues; gives written opinions on legal issues when requested by an appropriate governmental officer; and represents the interests of the people. In 2017, the Civil Division opened 979 new matters and closed 1,133 files.

Antitrust Cases

United States of America, et al. v. American Express Company, et al., United States Supreme Court, No. 16-1454

The United States Supreme Court granted the States' Petition for Writ of Certiorari in this matter. In the lower court, the United States District Court ruled in favor of the U.S. Department of Justice and 17 states, including Rhode Island, in finding that American Express Co.'s anti-steering rules – which prevented merchants from offering discounts to consumers who used certain brands of credit cards over others – violated federal antitrust laws. The case involves fees that merchants have to pay credit card companies when these merchants accept credit card payments from consumers. For years, the major credit companies prohibited merchants from telling consumers about those fees and from offering discounts to consumers who used certain (cheaper-for-the-merchant) credit card brands over others. The District Court's decision held that the restrictions American Express placed on merchants violated antitrust laws, reducing competition among credit card companies and leading to higher prices for merchants and in turn for consumers. The District Court also ruled that increased competition among credit card companies would lead to lower prices for merchants, allowing merchants to pass on those savings to consumers through lower prices. However, American Express appealed this decision and the U.S. Court of Appeals for the Second Circuit reversed the District Court's decision and remanded the case to the United States District Court for Judgment to be entered for American Express. The Second Circuit, en banc, also denied the States' Motion for a Rehearing. The States then filed a Petition for Writ of Certiorari in the United States Supreme Court. Visa and MasterCard settled similar antitrust charges in 2010, agreeing to remove or revise many of their anti-steering rules.

State of Wisconsin, et al. v. Indivior Inc. f/k/a Reckitt Benckiser Pharmaceuticals, Inc., United States District Court for the Eastern District of Pennsylvania, C.A. No. 16-5073

This antitrust case is proceeding on both a trial tract and a mediation tract. The Attorney General joined other attorneys general in filing an antitrust lawsuit against the makers of Suboxone, a prescription drug used to treat opioid addiction, over allegations that the companies engaged in a scheme to block generic competitors and cause purchasers to pay artificially high prices. Reckitt Benckiser Pharmaceuticals, now known as Indivior, is accused of conspiring with MonoSol Rx to switch Suboxone from a tablet version to a film (that dissolves in the mouth) in order to prevent or delay generic alternatives and maintain monopoly profits. The companies

are accused of violating state and federal antitrust laws. Suboxone is a brand-name prescription drug used to treat heroin addiction and other opioid addictions by easing addiction cravings. No generic alternative is currently available. The States have alleged that when Reckitt introduced Suboxone in 2002 (in tablet form), it had exclusivity protection that lasted for seven years, meaning no generic version could enter the market during that time. Before that period ended, however, Reckitt worked with MonoSol to create a new version of Suboxone – a dissolvable film, similar in size to a breath strip. Over time, Reckitt allegedly converted the market away from the tablet to the film through marketing, price adjustments, and other methods. Ultimately, after the majority of Suboxone prescriptions were written for the film, Reckitt removed the tablet from the U.S. market. The attorneys general allege that this conduct was illegal “product hopping,” where a company makes modest changes to its product to extend patent protections so other companies can’t enter the market and offer cheaper generic alternatives. The attorneys general contend that the Suboxone film provided no real benefit over the tablet and Reckitt continued to sell the tablets in other countries even after removing them from the U.S. market. Reckitt also allegedly expressed unfounded safety concerns about the tablet version and intentionally delayed FDA approval of generic versions of Suboxone. As a result, the attorneys general allege that consumers and purchasers have paid artificially high monopoly prices since late 2009, when generic alternatives of Suboxone might otherwise have become available. During that time, annual sales of Suboxone topped \$1 billion. The lawsuit accuses the companies of violating the federal Sherman Act and state laws. The attorneys general are requesting that the court stop the companies from engaging in anticompetitive conduct, to restore competition, and to order appropriate relief for consumers and the states, plus costs and fees.

State of New York, et al v. Cephalon, Inc., et al. (Provigil), United States District Court for the Eastern District of Pennsylvania C.A. No.: 16-4234

This is an antitrust multistate settlement that Rhode Island joined in order to resolve allegations that the Defendant pharmaceutical companies engaged in unlawful “pay-for-delay” anticompetitive conduct involving the patent exclusivity for the drug Provigil. This \$125 million, 48-state settlement concluded a multistate investigation into anticompetitive conduct by Cephalon, and its associates, to protect the monopoly profits it earned from its landmark wakefulness drug, Provigil. That conduct delayed generic versions of Provigil from entering the market for several years. As patent and regulatory barriers that prevented generic competition to Provigil neared expiration, Cephalon intentionally defrauded the Patent and Trademark Office to secure an additional patent, which a court subsequently deemed invalid and unenforceable. Before that court finding, Cephalon was able to delay generic competition for over a decade by filing patent infringement lawsuits against all potential generic competitors. Cephalon subsequently settled those lawsuits in 2005 and early 2006 by paying the generic competitors to delay sale of their generic versions of Provigil until at least April 2012. Because of that delayed entry, consumers, States, and others paid hundreds of millions of dollars more for Provigil than they would have had generic versions of the drug launched by early 2006, as expected. The settlement included \$35 million to compensate eligible consumers. Based on retail sales date, there could be approximately \$170,000 paid to Rhode Island consumers, if all of the eligible consumers file claims. The State of Rhode Island also received over \$500,000 through this settlement.

In re: Generic Pharmaceuticals Pricing Antitrust Litigation, United States District Court for the Eastern District of Pennsylvania, MDL 2724

Rhode Island is a member of this multistate group that is litigating allegations of violations of federal and state antitrust laws against numerous pharmaceutical companies. The States, by and through their Attorneys General, bring this civil law enforcement action against numerous pharmaceutical companies, including Actavis Pharma, Inc., Ascend Laboratories, LLC, Apotex Corp., Mylan Pharmaceuticals, Inc., Sun Pharmaceutical Industries, Inc., Teva Pharmaceuticals USA, Inc., and Zydus Pharmaceuticals (USA), Inc. The multistate group developed evidence resulting in allegations that the defendant pharmaceutical companies entered into numerous contracts, combinations and conspiracies that had the effect of unreasonably restraining trade, artificially inflating and maintaining prices and reducing competition in the generic pharmaceutical industry throughout the United States. The states also allege that the pharmaceutical companies participated in an overarching conspiracy, the effect of which was to minimize if not thwart competition across the generic drug industry. The illegal agreements have raised prices, maintained artificially inflated prices and frustrated the potential of the industry to deliver great value to Plaintiff States and those they represent. Generic drugs are pharmaceutically equivalent to the referenced brand name drug in dosage, form, route of administration, strength or concentration, and amount of active ingredient. Generic drugs can save (and have saved) consumers and other purchasers of drugs tens of billions of dollars annually because generic drugs are a lower-priced alternative to brand name drugs. When the manufacturer of a branded drug loses the market exclusivity that comes with patent rights, generic drugs offer the prospect of lower prices and greater access to healthcare for all consumers in the United States through genuine competition. A consumer with a prescription can fill that prescription not only with the brand name drug, but also with a generic version of that drug, if one is available. State laws often require pharmacists to fill prescriptions with generic versions of the drug. Typically, when the first generic manufacturer enters a market for a given drug, the manufacturer prices its product slightly lower than the brand-name manufacturer. A second generic manufacturer's entry reduces the average generic price to nearly half the brand-name price. As additional generic manufacturers market the product, the prices continue to fall slowly. For drugs that attract a large number of generic manufacturers, the average generic price falls to 20% or less of the price of the branded drug. Generic drugs were one of the few "bargains" in the United States healthcare system. At some point, that price dynamic changed for many generic drugs. Prices for dozens of generic drugs have risen – while some have skyrocketed, without explanation, sparking outrage from politicians, payers and consumers across the country whose costs have doubled, tripled, or even increased 1,000% or more. The anticompetitive conduct -- schemes to fix and maintain prices, allocate markets and otherwise thwart competition -- caused a significant and continuing harmful effect on the United States healthcare system, which is still ongoing today.

Consumer Protection Cases and Investigations

State of Rhode Island v. Lenovo (United States) Inc.

The Superior Court granted the State's Motion for Entry of Consent Judgment in this case. This was a consumer multistate settlement of allegations that Lenovo installed Superfish software in its computers, which was not disclosed to consumers. This software compiled information from each consumer so that he or she would receive specific advertisements for products based on information that was unique to that consumer. Rhode Island received both monetary and injunctive relief from this settlement to protect consumers and to make these transactions transparent.

Multistate Investigation of Multistate Investigation of Boehringer Ingelheim Pharmaceuticals, Inc BIPI– This case was resolved through an agreement with BIPI, a pharmaceutical company, that resolved allegations that BIPI violated state consumer protection laws, including the Rhode Island DTPA, in its promotion of Atrovent®, Combivent®, Micardis® and Aggrenox®, based on deceptive and misleading representations and off-label promotions. The agreement contained both monetary and injunctive relief to address the misconduct identified during the investigation. The injunctive relief provisions of the settlement specifically recite the prohibition against deceptive promotional activities and the requirement of representations consistent with product labeling, and requires dissemination of notices of FDA warning letters to the company’s sales representatives. The settlement also prohibits BIPI from paying financial incentives for sales that may indicate off-label use of a targeted product and provides guidance and terms under which BIPI Medical can disseminate off-label information to health care providers.

State of Rhode Island v. Marlaina Rapoza d/b/a TTPAC

In this matter the Attorney General’s CPU entered an agreement with the Defendant to pay back consumers for product and services that were paid for, but not provided or rendered by the company. The Defendant, Marlaina Rapoza, operated a dance studio that closed abruptly. Ms. Rapoza, has paid about \$3,600 towards the approximately \$16,500 Judgment that the Attorney General obtained on behalf of the impacted consumers.

Multistate Investigation of PHH Mortgage Corporation

This is a multistate settlement, including Rhode Island, where negotiations resulted in a settlement including both injunctive and monetary relief. This settlement is significantly different in important ways from the other settlements that have flowed from the National Mortgage Settlement (“NMS”). The State of Rhode Island, as a member of the multistate group, will not receive any money from the settlement. Only the Executive Committee States and the State Regulatory Units will receive settlement disbursements. The Defendant is a New Jersey based mortgage lender and servicer, and the settlement was negotiated jointly with the state mortgage regulators. Unlike many of our other mortgage settlements, the multistate group did not have a federal partner in this settlement. The settlement has two major components: \$45,279,725 in cash, and PHH’s adoption of the amended servicing standards. The conduct at issue extends from January 1, 2009 until December 31, 2012, which corresponds with the multistate examination. Unlike other National Mortgage Settlements, this was a mortgage servicing case only. The States did not make allegations regarding PHH’s origination activities.

State of Rhode Island v. Johnson & Johnson (McNeil)

This multistate settlement was resolved through the entry of a Judgement in Superior Court that included both injunctive and monetary relief. The injunctive relief resolved the major issue raised during the investigation of the failure of J&J, and its subsidiary (McNeil), to notify the public that certain OTC drugs had been recalled due to contamination at its manufacturing facilities in Pennsylvania and Puerto Rico.

State of Rhode Island v. Alicia Mogavero d/b/a MommyMilk Creations

This is a settlement of allegations that the Defendant, Alicia Mogavero, operated a company that solicited and accepted compensation from consumers to use a procedure that transformed “mother’s milk”, provided by the consumers, into personalized jewelry. The complaining consumers, all of who reside outside of the State of Rhode Island, paid for the jewelry in advance, but did not receive the product. The Attorney general obtained a Judgment in the amount of approximately \$15,000, for the benefit of over 100 consumers.

State of Rhode Island v. Nationwide Insurance Company, et al.

The Attorney General, as a member of a multistate group, entered into a settlement agreement, known as an Assurance of Voluntary Compliance, with Nationwide Insurance Company to resolve allegations that Nationwide Insurance Company was negligent in failing to apply a security patch to prevent a security breach resulted in 1.27 million customers’ personal information being compromised in October 2012. This multistate group, a sub-group of the NAAG Privacy Working Group, negotiated for years and finally agreed to injunctive relief and that nationwide would pay the participating States \$5.5 million.

State of Rhode Island v. Louis Q. Clubhouse d/b/a Faial’s Restaurant and Lounge, Jose Faria and Emile Faria

Defendants were sued by the Attorney General because they closed their restaurant, Faial’s, without honoring many outstanding gift certificates. The Attorney General obtained a Judgment against the Defendants in the amount of \$174,000 which the State is now attempting to collect through supplemental judicial proceedings.

State of Rhode Island v. Target

This was a multistate settlement with Target that resolved the issues raised during an investigation of a data breach at that company. In addition to injunctive relief to protect the privacy of consumers, the settlement included monetary relief.

Multistate Investigation of LIBOR

Both the Rhode Island School of Design and Bryant University received settlement funds through this settlement with Barclay’s Bank. These are the only Rhode Island entities that lost money due to Barclay’s employees’ manipulation of interest rates. The Attorney General joined this multistate settlement as part of an investigation into the intentional manipulation of the LIBOR rates by a few individuals working at major banks in London and the United States. This investigation commenced when it was made public that certain individuals were being criminally charged in London. The settlement contains both injunctive and monetary relief.

State of Rhode Island v. The Western Union Company

This is a multistate settlement of allegations that Western Union violated consumer protection laws by not training its staff to be aware of wire transfers that are sent by consumers who have fallen victim to fraudulent schemes. The settlement resolves the States’ investigation of possible

violations of state UDAP (RI's DTPA) laws by Western Union and was negotiated concurrently with settlements between Western Union and the USDOJ and the FTC. The settlement includes future compliance terms and a payment to the States, and additionally references money to be paid to the USDOJ and FTC to fund a restitution program for consumers who were victims of fraud that occurred through Western Union's money transfer system. The compliance terms require Western Union to undertake significant efforts to prevent and detect fraud-induced transactions in the future and requires Western Union to pay \$5 million to the States. Pursuant to the federal agreements, Western Union will be making a payment of over \$500,000,000 to the USDOJ to be used for restitution to consumers. There are 1,617 Rhode Island consumers who filed complaints with the FTC alleging that they have been scammed and paid the bad actors through Western Union. \$1,748,393 has been allotted for these Rhode Island consumers.

State of Rhode Island v. Bristol-Myers Squibb ("BMS") – (Abilify)

This case was resolved through a Final Judgment and Consent Decree that concluded a multistate investigation that began in 2011. The allegations were that BMS had made misleading and false claims concerning certain drugs, including Abilify, and inappropriately promoted these drugs for off-label uses. The Judgment includes both injunctive and monetary relief.

State of Rhode Island v. ruby Corp. d/b/a Ashley Madison

This multistate settlement resolved an investigation that began when Ashley Madison suffered a data breach. While investigating the breach the multistate group determined that Ashley Madison had provided almost no data security for its customers and had used some customers' information in order to entice other consumers to use its services. In other words, there were fake-profiles of women used to lure men into signing up for certain services. The Judgment included both injunctive and monetary relief to protect Rhode Island's consumers.

Environmental Advocacy Cases

State v. Volkswagen & Porsche

The Unit worked with a multi-state coalition on a coordinated investigation of Volkswagen's and Porsche's admitted evasions of emissions controls in their 2009 through 2015 model-year diesel vehicles. In early January 2018, the Environmental Unit finalized its multi-year enforcement action, settling violations of the State's environmental laws with Volkswagen and Porsche. The Attorney General reached a resolution in which Rhode Island will receive \$4.1 million for environmental projects throughout the State. In total, the Environmental Advocacy Unit and Consumer Protection Unit obtained over \$20 million for the State from Volkswagen and Porsche from the settlements of federal and state environmental and consumer protection laws.

State v. Atlantic Richfield

Attorney General Kilmartin's lawsuit against 34 gasoline companies to recover expenses associated with the clean-up of the gasoline additive Methyl Tertiary Butyl Ether (MTBE) continues to move forward. The lawsuit, filed in United States District Court for Rhode Island, addresses the ongoing environmental risk and long-term groundwater contamination arising from the oil industry's use of MTBE and addresses the resulting expensive cleanup.

Coit v. Rhode Island Recycled Metals, LLC & AARE LLC

This case arose from the defendants' ongoing violations on a site along Providence River. The alleged violations include the dismantling of junk vessels in a manner that results in oil pollution and physical obstructions to the channel, as well as causing pollution on the land itself. The appointment of a Special Master has resulted in an order for the clean-up, but the implementation needs to be completed.

Coit v. Coccoli

The State sought Superior Court enforcement of an unappealed DEM Notice-of-Violation, which included a \$45,000 administrative penalty. The original Notice-of-Violation alleged that the defendants failed to remediate groundwater pollution on land in North Providence. The matter was dismissed on a procedural issue and is currently on appeal before the Rhode Island Supreme Court.

Taunton v. EPA

Municipality sued the EPA regarding nitrogen effluent limitations imposed during the Obama administration. In July of 2017, we authored an amicus brief in the pending action before the First Circuit. The Attorney General argues that Rhode Island has worked hard to reduce its own in-state nitrogen discharges. Oral arguments are scheduled for April 2018.

Coit v. Elkin

The State sought enforcement of an unappealed Notice-of-Violation regarding hazardous and universal waste at a facility in Pawtucket. The State is in continuing settlement discussion with the estate of the deceased Defendant to do the clean-up and pay a penalty.

Oneppo v. Town of Coventry

A landowner sued the Town of Coventry and State in Superior Court to clarify ownership of a 10' pathway to Tiogue Lake. The Town and the AG are coordinating on a motion for summary judgment and a request for injunctive relief to insure unfettered public access on the pathway.

Kilmartin v. Barbuto (Misquamicut Beach litigation)

In 2013, Attorney General Kilmartin filed suit in Superior Court seeking to clarify the public's rights to enjoy a nearly two-mile section of the Misquamicut beach-front in Westerly. The suit alleged that this strand was dedicated by a recorded 1909 subdivision plan. In the end, the Rhode Island Supreme Court determined that this beach-front was not dedicated to the public in 1909. The Court did, however, confirm that the nine rights-of-way along the Beach are public and extend all the way to the Atlantic Ocean.

Renz v. DEM

A lawsuit by Block Island landowners against the Town of New Shoreham, BI Land Trust, and DEM for alleged violations of a conservation easement and open space bond for failure to maintain

meadow habitat in wetland areas. Although the defendants deny all allegations, they are working on a management plan acceptable to all parties.

New York v. EPA (WOTUS 2-Year Delay Rule)

In 2017, EPA changed course with regard to the definition what types of areas constitute “waters of the U.S.” per the Clean Water Act. With regard to this reconsideration, EPA issued a new rule, which purported to delay the previous administration’s rule by two years. Rhode Island and a coalition of nine other states filed suit in federal District Court challenging the Rule.

Clean Air Council v. Pruitt

The Pruitt EPA has attempted to stay the 2016 New Source Methane Rule for the Oil & Gas Sector without full rulemaking. Rhode Island and a coalition of 12 other states filed suit in the D.C. Circuit Court challenging the stay and won a quick victory.

Truck Trailer Manufacturers Assoc. v. EPA

Rhode Island and a coalition of 17 other state Attorneys General have intervened in a D.C. Circuit Court challenge in support of the Obama administration’s 2016 rule called Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium-Duty and Heavy-Duty Engines and Vehicles.

Wisconsin v. EPA

Rhode Island intervened with five other states in another D.C. Circuit Court challenge; this particular challenge supports the 2016 EPA Cross-State Air Pollution Rule, which mandated that certain states implement plans for reductions of ozone emissions, thereby reducing interstate flow of air pollutants. Such pollution significantly contributes to harmful levels of ozone in downwind states, like Rhode Island.

New York v. EPA

First, Rhode Island and a coalition of five other states filed suit in federal District Court to challenge EPA’s failure to timely consider Rhode Island’s and other states’ Petition, pursuant to the Clean Air Act, to expand the areas of the U.S. included in the Ozone Transport Region (OTR). After the filing of the lawsuit, EPA finally relented and issued a decision, denying the Petition.

Second, Rhode Island and a coalition of seven other states challenged the Pruitt EPA’s decision discussed above. (That decision, as mentioned, had denied Rhode Island’s and other states’ Petition, pursuant to the Clean Air Act, to expand the areas of the U.S. that are included in the Ozone Transport Region.) Rhode Island claims that ozone-causing pollution from the non-OTR states contributes to ozone pollution in this state.

California v. EPA

Even after agreeing to obey the October 1, 2017 deadline for making ozone area designations, the administration appointees at the EPA failed to meet it. Rhode Island and a coalition of 13 other

state Attorneys General filed suit in federal District Court to force EPA to make these designations, which, once made, then trigger each state's duty to promulgate a plan to address excess ozone.

Criminal Division

During 2017, the Criminal Division brought 77 cases to trial, up slightly from the 76 tried in 2016. Of those cases tried, prosecutors secured 69 verdicts and a 59% conviction rate; 40 cases resulted in guilty verdicts, 27 defendants were found not guilty, 2 were found not guilty by reason of insanity, 6 cases resulted in mistrials, and 2 cases were dismissed by judgment of acquittal. Prosecutors were reached on far more cases than went to trial in the last few years. With the ongoing shortage of sheriffs, there were many instances where the State was ready trial, with witnesses present and available, and the cases were continued, as there were no judges available.

The following are some of the significant trials and convictions handled this year by Division prosecutors.

State v. David Acevedo, aka "WeWe"

David "WeWe" Acevedo was sentenced to 16 years to serve and a consecutive 20 years suspended with probation, non-parolable, for the June 21, 2016 shooting outside the Vault Lounge in Providence, RI. At approximately 12:45 a.m. on June 21, 2016, after being ejected from the Vault Lounge, Acevedo retrieved a firearm from his motor vehicle and opened fire at individuals standing near the entrance of the nightclub, striking one person in the ankle.

State v. John Adams

John Adams pleaded nolo contendere to indecent solicitation of a child, electronically disseminating indecent material, and possession of child pornography. He was sentenced to five years with four years to serve and the balance suspended with probation. Upon release, he must comply State's sex offender registration, counseling and community notification statute.

State v. Edilsar Alvarado

Edilsar Alvarado was found guilty after a jury-waived trial of two counts of first degree child molestation. He was sentenced to 27 years with nine years to serve and the balance suspended with probation. In addition, he was ordered to have no contact with the victim and must comply with the State's sex offender registration, counseling and community notification statute.

State v. Aaron Andrade

Aaron Andrade pled nolo contendere to second degree murder in April of 2017 for his delivery of fentanyl that led to the homicide of Kristen Coutu. He was sentenced to 40 years with 20 years and the balance suspended with probation.

State v. Justice Andrade

Justice Andrade was found guilty after a jury trial of the murder of Ty Shon Perry in July 2014. He

was sentenced to consecutive life sentences plus three years to serve.

State v. Troy Archambault

Troy Archambault pleaded nolo contendere to second degree child molestation. He was sentenced to 10 years with two and one-half years to serve and the balance suspended with probation. He was also ordered to have no contact with the victim.

Richard Baribault

Richard Baribault was found guilty after trial of the murder of Fernando “Captain Fredy” and was sentenced to life plus 10 years.

State v. Leopoldo Belen

The defendant was found guilty of four counts of first degree sexual assault by a Providence County Superior Court jury. He was sentenced to life in prison on all four counts, to be served concurrently with one another. He was also ordered to have no contact with the victim and if released from prison, he must comply with the State’s sex offender registration, counseling and community notification statute.

State v. Antonio Brathwaite

Antonio Brathwaite pleaded nolo contendere to first degree robbery of a 92-year-old elderly man. He was sentenced to 20 years with 10 years to serve and the balance suspended with probation and ordered to pay restitution in the amount of \$1,000 to the victim’s estate.

State v. Araya Brinkley

Araya Brinkley pleaded guilty to second degree murder for the stabbing death of Troy Henderson outside the 7-11 convenience store located in Kennedy Plaza on Memorial Day weekend in 2015. In February 2018, he was sentenced to 50 years with 23 years to serve and the balance suspended with probation.

State of RI vs. Mark Daniel

The defendant pleaded nolo contendere to felony possession of a firearm and domestic felony assault. He was sentenced to 12 years with four years to serve and the balance suspended with probation. In addition, he was ordered to participate in a batterer’s intervention program and have no contact with the victim.

State v. Andrew Dasilva

Andrew Dasilva pleaded nolo contendere to second degree child molestation and indecent solicitation of a child. He was sentenced to 30 years with 10 years to serve and the balance suspended with probation. In addition, he was ordered to have no contact with the victims and

must comply State's sex offender registration, counseling and community notification statute.

State v. Denise Davis

Denise Davis pleaded nolo contendere to one count of embezzlement. She was sentenced to six years of probation and was ordered to pay restitution in the amount of \$8,335.

State v. Ivander Deburgo

Ivander Deburgo pleaded nolo to first degree child molestation. He was sentenced to 25 years with 10 years to serve and the balance suspended with probation. In addition, he was ordered to have no contact with the victims and must comply State's sex offender registration, counseling and community notification statute.

State v. Richard Duran

Richard Duran pleaded guilty to guilty to one count of possession with intent to deliver fentanyl, one count of possession of heroin, one count of delivery of heroin, and one count of possession of a firearm while in possession of a controlled substance with the intent to deliver. He sentenced to 20 years with eight years to serve and the balance suspended with probation. The Intelligence Unit of the Providence Police Department conducted a nine-month undercover investigation that revealed Duran was operating a drug trafficking operation out of the residence at the Pearl Street Lofts in Providence. When Duran was arrested, police seized approximately 870 grams of heroin, 450 grams of straight fentanyl, and 75 grams of a heroin/fentanyl mixture. In addition, police seized a Walther .9mm pistol in his bedside table.

State v. Amilio Feliciano

Amilio Feliciano pleaded nolo contendere to two counts of first degree child molestation. He was sentenced to 20 years with nine years to serve and the balance suspended with probation. In addition, he was ordered to have no contact with the victim and must comply with the State's sex offender registration, counseling and community notification statute.

State of RI vs. Felix Figueroa

The defendant pleaded nolo contendere to domestic breaking and entering. He was sentenced to eight years with two years to serve and the balance suspended with probation. In addition, he was ordered to have no contact with the victim and must participate in a batterer's intervention program.

State of RI vs. John Gelinas

The defendant pleaded nolo contendere to violation of a domestic no contact order (3rd domestic offense). He was sentenced to six years with three years to serve and the balance suspended with probation. In addition, he was ordered to have no contact with the victim and must participate in a batterer's intervention program.

State v. Solomn Gibbs

Solomn Gibbs pleaded nolo contendere to second degree child molestation. He was sentenced to 15 years with three years to serve and the balance suspended with probation. In addition, he was ordered to have no contact with the victim and must comply with the State's sex offender registration, counseling and community notification statute.

State vs. Duane Gomes

The defendant pleaded nolo contendere to second degree sexual assault. He was sentenced to 15 years with five years to serve and the balance suspended with probation. In addition, he was ordered to have no contact with the victim and must comply with the state's sex offender registration and community notification statute.

Tony Gonzalez

Tony Gonzalez was found guilty in a re-trial of the 2012 murder of Carl Cunningham. In March 2019, he was sentenced to consecutive life sentences plus 30 years. This defendant was found guilty in a re trial of the Carl Cunningham murder from 2012.

State v. Travis Gray

Travis Gray pleaded nolo contendere to first degree child molestation. He was sentenced to 25 years with 10 years to serve and the balance suspended with probation. In addition, he was ordered to have no contact with the victims and must comply State's sex offender registration, counseling and community notification statute.

Troy Gunderway

Troy Gunderway pleaded to second degree murder in the killing of Fernando "Captain Fredy" Silva. He was sentenced to 55 years with 35 years to serve and the balance suspended with probation.

State v. Johan Jimenez, et. al

Johan Jimenez was the leader of a heroin and fentanyl distribution organization which was investigated and dismantled by Providence Police. The investigation included wiretap surveillance on several phone lines and the arrests of 46 defendants. More than a dozen police departments in Rhode Island and Massachusetts participated in the investigation, as well as DEA and FBI. While Jimenez's case remains pending, several co-conspirators have pleaded guilty. Additionally, several individuals were indicted for tax evasion and money laundering related to this investigation.

Christian Lepore

Christian Lepore was found not guilty by reason of insanity for the West Greenwich murder of John O'Neil in the summer of 2016.

State v. Raymond Masse

Raymond Masse pleaded nolo contendere to first degree child abuse. He was sentenced to seven years with three years to serve and the balance suspended with probation. He was also ordered to have no contact with the victim.

State v. Eric Mensah

Eric Mensah was found guilty after jury trial of two counts of first degree child molestation. He was sentenced to 35 years with 25 years to serve with the balance suspended with probation. In addition, he was ordered to have no contact with the victims and must comply State's sex offender registration, counseling and community notification statute.

State v. Christopher Miller

Christopher Miller pleaded nolo contendere two counts of first degree child molestation. He was sentenced to 40 years with 15 to serve sentence with 15 years to serve and balance suspended with probation. In addition, he was ordered to have no contact with the victims and must comply State's sex offender registration, counseling and community notification statute.

State v. Senica Muskelly

Senica Muskelly pleaded nolo contender to second degree child abuse. The defendant was sentenced to 10 years with 18 months to serve and the balance suspended with probation. She was also ordered to have no contact with the victim.

State v Miguel Panadero

Miguel Panadero pleaded nolo contendere to first degree child molestation. He was sentenced 30 years with 10 years to serve and the balance suspended with probation. In addition, he was ordered to have no contact with the victims and must comply State's sex offender registration, counseling and community notification statute.

State v. Walter Penafiel

Walter Penafiel pleaded nolo contendere to first degree child molestation. He was sentenced to 25 years with 10 years to serve and the balance suspended with probation. In addition, he was ordered to have no contact with the victim and must comply with the State's sex offender registration, counseling and community notification statute.

State v. Clinton Perry

Clinton Perry pleaded nolo contendere to first degree child molestation. He was sentenced to 25 years with 10 to serve and the balance suspended with probation. In addition, he was ordered to have no contact with the victims and must comply State's sex offender registration, counseling and community notification statute.

State vs. Danny Pimental

The defendant pleaded nolo contendere to domestic strangulation and domestic breaking & entering. He was sentenced to 10 years with two and one-half years to serve and the balance suspended with probation. In addition, he was ordered to participate in a batterer's intervention program, undergo an alcohol assessment, and have no contact with the victim.

State v. Shamika Ramos

Shamika Ramos was found guilty after a jury trial of second degree child abuse. She was sentenced to five years with 18 months to serve and the balance suspended with probation. She was also ordered to have no contact with the victim. 2nd degree child abuse.

State v. Raymond Ramsey

Ramsey pleaded guilty to the September 2015 stabbing murder of his girlfriend in her apartment in Portsmouth. He was sentenced to life in prison.

State v. Adam Riccitelli

Adam Riccitelli pleaded nolo contendere to cruelty and neglect of a child. He was sentenced to three years home confinement and was ordered to have no contact with the victim.

State vs. Luis Rivera

The defendant pleaded nolo contendere to cyberstalking. He was sentenced to two years with one year to serve and the balance suspended with probation. In addition, he was ordered to have no contact with the victim.

State v. Mario Rojas

Mario Rojas pleaded nolo contendere to breaking and entering and conspiracy. He was sentenced to 10 years with two and one-half years to serve and the balance suspended with probation. He was also ordered to have no contact with the victims.

State v. Joseph Segrain, et. al

The investigation into the January 9, 2017 shooting that occurred near the Crawford Street Bridge in downtown Providence determined it was the result of a rivalry between two Pawtucket gangs. Nathan Filomeno-Tek was one of the shooters, pleaded guilty and was sentenced to 30 years to serve with a consecutive 20 years suspended, non-parolable. Four co-conspirators pleaded guilty to conspiracy to commit felony assault and were sentenced to 10 years with five years to serve and the balance suspended with probation. The final co-defendant, who was found to be a Superior Court violator Joseph Seagrain, for which he was sentenced to serve nine years, was found guilty after a jury trial for his role in the shooting. At time of publication, he had not yet been sentenced.

State v. Jimmy Seth

Jimmy Seth pleaded guilty to assault with a dangerous weapon and discharging a firearm during the commission of a crime of violence resulting in injury. He was sentenced to 18 years to serve followed by 20 years suspended, non-parolable. On June 19, 2016, at approximately 4:00 p.m., Seth was a passenger in a motor vehicle travelling down Health Avenue in Providence when he fired a .40 caliber pistol out the car window. The bullet struck one woman in the shoulder, exited the body, then struck a second woman in the wrist.

State v. Domingo Silva

Domingo Silva pleaded guilty to three counts of delivering heroin, one count of possession with intent to deliver heroin, one count of possession with intent to deliver cocaine, and possession of a firearm after committing a crime of violence. He was sentenced to 30 years with 18 years to serve and the balance suspended with probation. On multiple occasions in November 2015, Silva sold heroin to an undercover Pawtucket Police Detective. Upon executing a search warrant on a residence of a known acquaintance, police seized heroin, cocaine and a .380 caliber Cobra pistol, all determined to belong to the defendant.

State v. Germaine Yuland Stanfield

The defendant pleaded guilty to murder in the first degree in the death of his ex-girlfriend Christine Santurri, as well as two counts of felony violation a no contact order. He was sentenced to life in prison.

State v. George Tabora

George Tabora was found guilty after trial of second degree child molestation. He was sentenced to 25 years with 15 years to serve and the balance suspended with probation. In addition, he was ordered to have no contact with the victim and must comply with the State's sex offender registration, counseling and community notification statute.

State v. David Torres

David Torres pleaded nolo contendere to one count of first degree sex assault. He was sentenced to 25 years with 13 years to serve and the balance suspended with probation. In addition, he was ordered to have no contact with the victims and must comply State's sex offender registration, counseling and community notification statute.

State v. Willie Turner

Willie Turner pleaded nolo contendere to first degree child molestation. He was sentenced to 35 years with 11 years to serve and the balance suspended with probation. In addition, he was ordered to have no contact with the victims and must comply State's sex offender registration, counseling and community notification statute.

State v. Alfredo Valentine

Alfredo Valentin pleaded nolo contendere to one count of first degree child molestation. He was sentenced to 35 years with 13 years to serve and the balance suspended with probation. In addition, he was ordered to have no contact with the victims and must comply State's sex offender registration, counseling and community notification statute.

Appellate Cases

State v. Davis, 131 A.3d 679 (R.I. 2016)

The Rhode Island Supreme Court affirmed the defendant's conviction, and life-sentence, for having murdered a young man in broad daylight in Providence, on March 20, 2009. The Rhode Island Supreme Court, in its decision, held that the trial justice committed no error in declining to tender the defendant's proposed limiting instruction that would have told the jury to disregard what it had heard during the prosecution's opening statement regarding the anticipated testimony of eyewitnesses who never testified.

State v. Fry, 130 A.3d 812 (R.I. 2016)

The Rhode Island Supreme Court affirmed the second degree murder conviction of the defendant in the death of her eight year old daughter in August of 2009 in North Kingstown, Rhode Island. The Court, in its opinion, determined that the trial justice had adequately instructed the jury on the legal defense of accident, and turned away the defendant's contention as to certain trial errors allegedly committed during the course of the defendant's lengthy trial.

State v. Garcia, 140 A.3d 133 (R.I. 2016)

The Rhode Island Supreme Court affirmed the defendant's conviction for the brutal murder of a young mother in Pawtucket in June of 2010. In affirming the defendant's conviction and life sentence, the Rhode Island Supreme Court rejected the defendant's legal contentions that statements he had given to the Pawtucket Police were the product of coercion, that there was a violation of his arraignment "presentment" right, and that the trial justice had abused her discretion in admitting the victim's autopsy photographs; and rejected the defendant's factual argument with respect to the trial justice's denial of the motion for a new trial.

State v. Gaudreau, 139 A.3d 433 (R.I. 2016)

The Rhode Island Supreme Court, on the way to affirming the defendant's conviction for first-degree arson, laid out the legal analysis trial courts are to use in assessing the admissibility of potentially prejudicial police statements that are contained within a criminal defendant's recorded police statement. With the recent advent, in many jurisdictions, of policies requiring the recordation of a criminal defendant's statement to police, the decision in Gaudreau is a necessary guidepost to a trial court's determination as to which parts of such statement might require exclusion from a jury trial.

State v. Greenslit, 135 A.3d 1192 (R.I. 2016)

The Rhode Island Supreme Court affirmed the defendant's life-sentence conviction for the January 2012 first degree murder of his common-law wife, in Johnston, RI, and his attempt to incinerate her dead body. In affirming defendant's conviction, the Court determined that the trial court had addressed and dealt with the defendant's new-trial motion in an appropriate manner and, in so ruling upon such new-trial motion, had placed adequate weight on the defendant's actions prior to the victim's death in determining that the victim's murder was, in fact, premeditated.

State v. Offley, 131 A.3d 663 (R.I. 2016)

The Rhode Island Supreme Court affirmed the defendant's conviction for the horrific and senseless execution-style murder of Jessica Imran, and the serious wounding of Julie Lang, in July of 2006 in Providence. The Court, in its opinion affirming the defendant's life-sentence, turned away the defendant's appellate contention of prejudicial error with respect to the prosecutor's reading aloud of a trial witness's prior testimony, and that the trial justice was not justified in rejecting the defendant's new-trial motion.

State v. Oliveira, 127 A.3d 65 (R.I. 2015)

The Rhode Island Supreme Court affirmed the defendant's conviction, and attendant life sentence, of committing a first-degree child-molestation-sexual-assault upon his biological grandson in August of 2004, in Pawtucket, RI. The Court held, in that case, that there was no Sixth Amendment "Speedy Trial" violation as a consequence of the period that had transpired between the defendant's first and second trials; that there was no error in the admission of certain challenged police detective testimony; and that the trial court had not abused its discretion in admitting, as an excited utterance, a statement made by the six-year-old victim to his mother to the effect that defendant had sexually molested him.

State v. Swiridowsky, 126 A.3d 436 (R.I. 2015)

The Rhode Island Supreme Court affirmed the defendant's conviction for having, in October of 2007, pulled a woman off of a Providence Street and violently raped her. Defendant was convicted based on a DNA profile taken from him while he was incarcerated, on an unrelated crime, at the Adult Correctional Institutions; and the Court, in affirming the defendant's conviction, endorsed the trial justice's rejection of the defendant's claim of a consensual encounter between himself and the victim.

This was a joint investigation by DEA and Woonsocket Police into drug dealing at Veterans Memorial Housing Complex that led to 35 arrests. Most those defendants pleaded nolo contendere to narcotics offenses and received jail time for those offenses.

SUPERIOR COURT CASE STATISTICS 2017

COUNTY	FILED		DISPOSED		ACTIVE PENDING SC		
	MISD	FELONY	TOTAL	MISD	FELONY	MISD	TOTAL
KENT COUNTY	62	738	800	52	638	112	2024
NEWPORT COUNTY	10	325	335	8	309	15	512
WASHINGTON COUNTY	74	345	419	68	279	39	835
PROVIDENCE COUNTY	190	3876	4066	152	3086	277	6983
STATEWIDE	336	5284	5620	280	4312	443	10354

AGE AT DISPOSITION

COUNTY	LESS THAN 90 DAYS			91-180 DAYS			181-270 DAYS			271-360 DAYS			OVER 360 DAYS	
	MISD	FELONY	TOTAL	MISD	FELONY	TOTAL	MISD	FELONY	TOTAL	MISD	FELONY	TOTAL	MISD	FELONY
KENT COUNTY	122	331	453	5	113	118	3	68	71	0	68	68	4	80
NEWPORT COUNTY	59	113	172	1	91	92	0	46	46	0	46	46	0	35
WASHINGTON COUNTY	233	97	330	6	54	60	6	26	32	2	26	28	7	71
PROVIDENCE COUNTY	297	1386	1683	60	410	470	13	373	386	9	373	382	17	664
STATEWIDE	711	1927	2638	72	668	740	22	513	535	11	513	524	28	850

MANNER OF DISPOSITIONS - FELONIES

COUNTY	GUILTY	NOT GUILTY	NG/FILING	PLEA	DISM 48A	DISM TR	MISTRIAL	HUNG JURY	TRIALS	VERDICTS
KENT COUNTY	6	3	2	512	98	1	0	0	10	9
NEWPORT COUNTY	0	1	0	250	49	0	0	0	1	1
WASHINGTON COUNTY	4	2	5	191	68	0	0	0	6	6
PROVIDENCE COUNTY	28	14	3	2496	394	0	6	0	48	2
STATEWIDE	38	20	10	3449	609	1	6	0	65	58

MANNER OF DISPOSITION - MISDEMEANOR APPEALS

COUNTY	GUILTY	NOT GUILTY	NG/FILING	PLEA	DISM 48A	DISM TR	MISTRIAL	HUNG JURY	TRIALS	VERDICTS
KENT COUNTY	2	2	0	38	8	0	0	0	4	3
NEWPORT COUNTY	0	0	0	4	2	0	0	0	0	0
WASHINGTON COUNTY	0	1	0	43	18	0	0	0	1	1
PROVIDENCE COUNTY	0	2	0	75	32	1	0	0	4	3
STATEWIDE	2	5	0	160	60	1	0	0	9	7

MANNER OF DISPOSITION - STATEWIDE TOTALS

COUNTY	GUILTY	NOT GUILTY	NG/FILING	PLEA	DISM 48A	DISM TR	MISTRIAL	HUNG JURY	TRIALS	VERDICTS
KENT COUNTY	8	5	2	550	106	1	0	0	14	13
NEWPORT COUNTY	0	1	0	254	51	0	0	0	1	1
WASHINGTON COUNTY	4	3	6	234	86	0	0	0	7	7
PROVIDENCE COUNTY	28	18	10	2571	426	1	6	0	53	44
STATEWIDE	40	27	18	3609	669	2	6	0	75	67

Statistics were prepared by the Criminal Division based upon Case Management System (CMS) data on April 19, 2018. AG Trial Verdict Statistics were maintained manually within the Criminal Division and include all cases tried throughout the calendar year, regardless if sentencing or appeal is pending.



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